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STATE OF NORTH CAROLINA

Session Laws and Resolutions

PASSED BY THE

GENERAL ASSEMBLY

AT THE

EXTRA SESSION

HELD IN THE CITY OF RALEIGH
BEGINNING ON
MONDAY, NOVEMBER 15, A.D. 1965

AND THE

EXTRA SESSION

HELD IN THE CITY OF RALEIGH
BEGINNING ON
MONDAY, JANUARY 10, A.D. 1966

AND THE

REGULAR SESSION

HELD IN THE CITY OF RALEIGH
BEGINNING ON
WEDNESDAY, FEBRUARY 8, A.D. 1967

PUBLISHED BY AUTHORITY

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*DAVID M. BRITT	Speaker of the House of Representatives	Robeson

*Resigned July 6, 1967. Succeeded by Earl W. Vaughn.

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*Constitute the Council of State (Attorney General is the legal advisor to the Executive Department).

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JAMES C. FARTHING	Judge	*Raleigh
NAOMI E. MORRIS	Judge	*Raleigh

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HARVEY A. LUPTON	Twenty-first	Winston-Salem
JOHN R. MCLAUGHLIN	Twenty-second	Statesville
ROBERT M. GAMBILL	Twenty-third	N. Wilkesboro

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FRED H. HASTY	Twenty-sixth	Charlotte
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*District Courts are now in operation in only six districts composed of twenty-two counties. District Courts will be operating in all counties by December, 1970.

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CONSTITUTION

OF THE

State of North Carolina

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare:

SECTION 1. *The equality and rights of persons.* That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. *Political power and government.* That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. *Internal government of the State.* That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. *That there is no right to secede.* That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said Nation, ought to be resisted with the whole power of the State.

SEC. 5. *Of allegiance to the United States Government.* That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. *Public debt; bonds issued under Ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.* The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

SEC. 7. *Exclusive emoluments, etc.* No person or set of persons are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

SEC. 8. *The legislative, executive and judicial powers distinct.* The legislative, executive, and supreme judicial powers of the government ought to be forever separate and distinct from each other.

SEC. 9. *Of the power of suspending laws.* All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 10. *Elections free.* All elections ought to be free.

SEC. 11. *In criminal prosecutions.* In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

SEC. 12. *Answers to criminal charges.* No person shall be put to answer any criminal charge except as hereinafter allowed, but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

SEC. 13. *Right of jury.* No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

SEC. 14. *Excessive bail.* Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 15. *General warrants.* General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

SEC. 16. *Imprisonment for debt.* There shall be no imprisonment for debt in this State, except in cases of fraud.

SEC. 17. *No persons taken, etc., but by law of land.* No person ought to be taken, imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.

SEC. 18. *Persons restrained of liberty.* Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

SEC. 19. *Controversies at law respecting property.* In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

SEC. 20. *Freedom of the press.* The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

SEC. 21. *Habeas corpus.* The privilege of the writ of habeas corpus shall not be suspended.

SEC. 22. *Property qualification.* As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

SEC. 23. *Representation and taxation.* The people of the State ought not be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

SEC. 24. *Militia and the right to bear arms.* A well regulated militia being necessary to the security of a free State, the right of people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

SEC. 25. *Right of the people to assemble together.* The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

SEC. 26. *Religious liberty.* All persons have natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. *Education.* The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 28. *Elections should be frequent.* For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SEC. 29. *Recurrence to fundamental principles.* A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 30. *Hereditary emoluments, etc.* No hereditary emoluments, privileges, or honors ought to be granted or conferred in this State.

SEC. 31. *Perpetuities, etc.* Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 32. *Ex post facto laws.* Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto law* ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. *Slavery prohibited.* Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.

SEC. 34. *State boundaries.* The limits and boundaries of the State shall be and remain as they now are.

SEC. 35. *Courts shall be open.* All courts shall be open; and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 36. *Soldiers in time of peace.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

SEC. 37. *Treason against the State.* Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SEC. 38. *Other rights of the people.* This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II

LEGISLATIVE DEPARTMENT

SECTION 1. *Two branches.* The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives.

SEC. 2. *Time of assembly.* The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

SEC. 3. *Number of Senators.* The Senate shall be composed of fifty Senators, biennially chosen by ballot.

SEC. 4. *Regulations in relation to districting the State for Senators.* The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. *Regulations in relation to apportionment of Representatives.* The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation. This apportionment shall be made by the Speaker of the House of Representatives at the first regular Session of the General Assembly convening after the return of every enumeration by order of Congress. The formula set out in Section 6 of this Article shall be applied by the Speaker and the new apportionment entered on the Journal of the House of Representatives on or before the 60th calendar day of the Session. When so entered, the new apportionment shall have the same force and effect as an Act of the General Assembly, and shall become effective at the next election for members of the General Assembly.

SEC. 6. *Ratio of representation.* In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one Representative; to each county containing twice but not three times the said ratio there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SEC. 7. *Qualifications for Senators.* Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

SEC. 8. *Qualifications for Representatives.* Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

SEC. 9. *Election of officers.* In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be *viva voce.*

SEC. 10. *Powers in relation to divorce and alimony.* The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

SEC. 11. *Private laws in relation to names of persons, etc.* The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 12. *Thirty days notice shall be given anterior to passage of private laws.* The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 13. *Vacancies.* If a vacancy shall occur in the General Assembly by death, resignation or otherwise, the said vacancy shall be filled immediately by the Governor appointing the person recommended by the executive committee of the county in which the deceased or resigned member was resident, being the executive committee of the political party with which the deceased or resigned member was affiliated at the time of his election.

SEC. 14. *Revenue.* No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 15. *Entails.* The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

SEC. 16. *Journals.* Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 17. *Protest.* Any member of either house may dissent from, and protest against, any act or resolve which he may think injurious to the public, or any individual, and have the reasons for his dissent entered on the journal.

SEC. 18. *Officers of the House.* The House of Representatives shall choose their own Speaker and other officers.

SEC. 19. *President of the Senate.* The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided.

SEC. 20. *Other senatorial officers.* The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant-Governor-elect to qualify, or upon succession by the Lieutenant-Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate. The Senate shall elect its other officers.

SEC. 21. *Style of the acts.* The style of the acts shall be: "The General Assembly of North Carolina do enact."

SEC. 22. *Powers of the General Assembly.* Each house shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two houses may also jointly adjourn to any future day, or other place.

SEC. 23. *Bills and resolutions to be read three times, etc.* All bills and resolutions of a legislative nature shall be read three times in each house before they pass into laws, and shall be signed by the presiding officers of both houses.

SEC. 24. *Oath of members.* Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

SEC. 25. *Terms of office.* The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

SEC. 26. *Yeas and nays.* Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

SEC. 27. *Election for members of the General Assembly.* The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections.

SEC. 28. *Pay of members and presiding officers of the General Assembly.* The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session for a period not exceeding 120 days. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for a period not exceeding 120 days. Should an extra session of the General Assembly be

called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding 25 days. The members and presiding officers shall also receive, while engaged in legislative duties, such subsistence and travel allowance as shall be established by law; provided, such allowances shall not exceed those established for members of State boards and commissions generally.

SEC. 29. *Limitations upon power of General Assembly to enact private or special legislation.* The General Assembly shall not pass any local, private or special act or resolution relating to health, sanitation, and the abatement of nuisances, changing the names of cities, towns, and townships; authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to non-navigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it. Any local, private or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

SEC. 30. *Inviolability of sinking funds.* The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

SEC. 31. *Use of funds of Teachers' and State Employees' Retirement System restricted.* The General Assembly shall not use or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds for the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: Provided, that nothing in this Section shall prohibit the use of said funds for the payment of benefits as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law.

ARTICLE III

EXECUTIVE DEPARTMENT

SECTION 1. *Officers of the Executive Department; terms of office.* The Executive Department shall consist of a Governor, in whom shall be vested

the supreme executive power of the State; a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

SEC. 2. *Qualifications of Governor and Lieutenant-Governor.* No person shall be eligible for election to the office of Governor or Lieutenant-Governor, unless he shall have attained the age of 30 years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall a person elected to either of these two offices be eligible for election for the next succeeding term of the same office.

SEC. 3. *Returns of elections.* The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law.

SEC. 4. *Oath of office for Governor.* The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. *Duties of Governor.* The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. *Reprieves, commutations and pardons.* The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor. The terms reprieves, commutations and pardons shall not include paroles. The General Assembly is authorized and empowered to create a Board of Paroles, provide for the appointment of the members thereof, and enact suitable laws defining the

duties and authority of such board to grant, revoke and terminate paroles. The Governor's power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.

SEC. 7. *Reports from officers of the Executive Department and of public institutions.* The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

SEC. 8. *Commander-in-Chief.* The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

SEC. 9. *Extra sessions of the General Assembly.* The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in Extra Session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. *Officers whose appointments are not otherwise provided for.* The Governor shall nominate, and by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

SEC. 11. *Duties of the Lieutenant-Governor.* The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

SEC. 12. *Succession to office of Governor.* The Lieutenant-Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant-Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant-Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

The Governor may, by a written statement filed with the Secretary of State, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. There-

after, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a Joint Session of the General Assembly before it takes final action. When the General Assembly is not in Session, the Council of State, a majority of its members concurring, may convene it in Extra Session for the purpose of proceeding under this paragraph.

Removal of the Governor from office for any other cause shall be by impeachment.

SEC. 13. *Duties of other executive officers.* The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of these officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor be elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first Section of this Article: Provided, that when a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to the provisions of this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

SEC. 14. *Council of State.* The Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall constitute, *ex officio,* the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose, exclusively, and signed by the members present, from any

part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney General shall be, *ex officio*, the legal adviser of the Executive Department.

SEC. 15. *Compensation of executive officers.* The officers mentioned in this Article shall, at stated periods, receive for their services a compensation to be established by the General Assembly, which shall not be diminished during the time for which they shall have been elected.

SEC. 16. *Seal of State.* There shall be a seal of the State, which shall be kept by the Governor, and used by him, as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State", signed by the Governor, and countersigned by the Secretary of State.

SEC. 17. *Department of Agriculture, Immigration and Statistics.* The General Assembly shall establish a Department of Agriculture, Immigration, and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

SEC. 18. *Department of Justice.* The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney General, and to enact suitable laws defining the authority of the Attorney General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the State.

ARTICLE IV

JUDICIAL DEPARTMENT

SECTION 1. *Division of judicial power.* The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

SEC. 2. *General Court of Justice.* The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration; and shall consist of an appellate division, a Superior Court division, and a District Court division.

SEC. 3. *Judicial powers of administrative agencies.* The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

SEC. 4. *Court for the Trial of Impeachments.* The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieu-

tenant-Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

SEC. 5. *Appellate Division.* The Appellate Division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals.

SEC. 6. *Supreme Court.*

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available is authorized to discharge such duties. The General Assembly may provide for the retirement of members of the Suprme Court and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

SEC. 6A. *Court of Appeals.* The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

SEC. 7. *Superior Courts.*

(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

SEC. 8. *District Courts.* The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit; but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner provided by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled, for the unexpired term, in a manner provided by law. Vacancies in the office of Magistrate shall be filled, for the unexpired term, in the manner provided for original appointment to the office.

SEC. 9. *Assignment of Judges.* The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

SEC. 10. *Jurisdiction of the General Court of Justice.*

(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the other courts. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; the decisions shall be reported to the next Session of the General Assembly for its action.

(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall provide by general law uniformly applicable in every county of the State.

(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) Appeals. The General Assembly shall, by general law, provide a proper system of appeals: Provided, that appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

SEC. 11. *Forms of action; rules of procedure.*

(1) Forms of action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the appellate division. The General Assembly shall have authority to make rules of procedure and practice for the Superior Court and District Court divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court divisions.

SEC. 12. *Waiver of jury trial.* In all issues of fact joined in any court, the parties in any civil case may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 13. *Administration.* The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

SEC. 14. *Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.* Justices of the Supreme Court, Judges of the Court of Appeals, and regular judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.

SEC. 15. *Removal of judges and clerks.*

(1) Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by Joint Resolution of two-thirds of both houses of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.

(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Clerks of District Courts shall be removed for such causes and in such manner as the General Assembly may provide by general law. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

SEC. 16. *Solicitors and solicitorial districts.*

(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each of which a Solicitor shall be chosen for a term of four years by the qualified voters thereof, as is prescribed for members of the General Assembly. When the Attorney General determines that there is serious imbalance in the work loads of the Solicitors or that there is other good cause, he shall recommend redistricting to the General Assembly. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court division. Criminal actions in the District Court division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

SEC. 17. *Vacancies.* Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than thirty days after such vacancy occurs, when elections shall be held to fill such offices: Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of said offices shall neglect and fail to qualify, such office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

SEC. 18. *Revenues and expenses of the judicial department.* The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

SEC. 19. *Fees, salaries, and emoluments.* The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

SEC. 20. *Effect of uniform general law requirement.* Where the General Assembly is required by the provisions of this Article to enact only general laws uniformly applicable throughout the State or in every county or local court district thereof, no special, public-local, or private law shall be enacted relating to the subject-matter of those provisions, and every amendment or repeal of any law relating to such subject-matter shall also be general and uniform in its application and effect throughout the State.

SEC. 21. *Schedule.* Immediately upon the certification by the Governor to the Secretary of State of the amendments constituting this Article, the Supreme Court and the Superior Courts shall be incorporated within the General Court of Justice, as provided in this Article. All Justices of the Supreme Court and Judges of the Superior Court shall continue to serve as such within the General Court of Justice for the remainder of their respective terms.

The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, in force at the time the amendments constituting this Article are ratified by the people, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to Section 11(2) of this Article.

Upon certification of the Governor to the Secretary of State of the amendments constituting this Article, the General Assembly shall proceed as rapidly as practicable, to provide for the creation of local court districts and the establishment of District Courts therein; District Courts shall be established to serve every county of the State by not later than January 1, 1971. As of January 1, 1971, all previously existing courts inferior to the Superior Court shall cease to exist, and cases pending in these courts shall be transferred as provided in the next succeeding paragraph of this Section. Until a District Court has been thus established to serve a county, all of the courts of that county, including the Superior Court, shall continue to be financed and the revenues of these courts shall continue to be paid as they were immediately prior to the certification of the amendments constituting this Article; and the laws and rules governing these courts and appeals from the inferior courts to the Superior Court shall continue in force and shall be deemed to comply with the provisions of this Article.

As soon as a District Court shall have been established for a county, all of the provisions of this Article shall become fully effective with respect to the courts in that county, and all previously existing courts inferior to the Superior Court shall cease to exist. All cases pending in these inferior courts shall be transferred to the appropriate division of the General Court of Justice, and all records of these courts shall be transferred to the appropriate clerk's office pursuant to rule of the Supreme

Court. Judges of these inferior courts, except Mayor's Courts and Justice of the Peace Courts, shall become District Judges and shall serve as such for remainders of their respective terms.

As soon as a District Court has been established to serve every county of the State, all of the provisions of this Article shall become fully effective throughout the State.

ARTICLE V

REVENUE AND TAXATION

SECTION 1. *Capitation tax; exemptions.* The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars ($2.00), and cities and towns may levy a capitation tax which shall not exceed one dollar ($1.00). No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

SEC. 2. *Application of proceeds of State and county capitation tax.* The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent (25%) thereof be appropriated for the latter purpose.

SEC. 3. *State taxation.* The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away. Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly's power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes. The General Assembly may also tax trades, professions, franchises, and income: Provided, the rate of tax on income shall not in any case exceed ten per cent (10%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to-wit: for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than two thousand dollars ($2,000.00); to all other persons not less than one thousand dollars ($1,000.00), and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

SEC. 4. *Limitations upon the increase of public debts.* The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit for the following purposes: To fund or refund a valid existing debt; to borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes; to supply a casual deficit;

to suppress riots or insurrections, or to repel invasions. For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject be submitted to a vote of the people of the State; and for any purpose other than these enumerated the General Assembly shall have no power to authorize counties or municipalities to contract debts, and counties and municipalities shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality. In any election held in the State or in any county or municipality under the provisions of this section, the proposed indebtedness must be approved by a majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. *Property exempt from taxation.* Property belonging to the State, counties and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding three hundred dollars ($300.00), any personal property. The General Assembly may exempt from taxation not exceeding one thousand dollars ($1,000.00) in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this Section.

SEC. 6. *Taxes levied for counties.* The total of the State and county tax on property shall not exceed twenty cents (20¢) on the one hundred dollars ($100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article IX, Section 3, of the Constitution: Provided, further, the State tax shall not exceed five cents (5¢) on the one hundred dollars ($100.00) value of property.

SEC. 7. *Acts levying taxes shall state objects, etc.* Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. *Who may vote.* Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

SEC. 2. *Qualifications of voter.* Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

The General Assembly may, however, reduce the time of residence, preceding a Presidential Election, for a person possessing all other qualifications of a voter, in which such person shall be entitled to vote for the choice of electors for President and Vice President of the United States only. Any person eligible to vote for electors for President and Vice President of the United States by reason of a reduction in time of residence shall not thereby become eligible to hold office in this State.

SEC. 3. *Voters to be registered.* Every person offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this Article.

SEC. 4. *Qualification for registration.* Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this Section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under Section 2 of this Article.

SEC. 5. *Indivisible plan; legislative intent.* That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and make them so dependent upon each other, that the whole shall stand or fall together.

SEC. 6. *Elections by people and General Assembly.* All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce.*

SEC. 7. *Eligibility to office; official oath.* Every voter in North Carolina except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office, he shall take and subscribe the following oath:

"I, ..., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ..... So help me, God."

SEC. 8. *Disqualification for office.* The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 9. *When this Chapter operative.* That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII

MUNICIPAL CORPORATIONS

SECTION 1. *County officers.* In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners. (Under authority of the Public Laws of 1935, c. 362, s. 1, provision was made for the quadrennial election of registers of deeds, certain counties being exempted.)

SEC. 2. *Duty of county commissioners.* It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio* clerk of the board of commissioners.

SEC. 3. *Counties to be divided into districts.* It shall be the duty of the commissioners first elected in each county to divide the same into con-

venient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the General Assembly before the first day of January, 1869.

SEC. 4. *Townships have corporate powers.* Upon the approval of the reports provided for in the foregoing Section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. *Sheriffs.* In each county a Sheriff shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold his office for a period of four years. In case of a vacancy existing for any cause in any Sheriff's office, the governing authority of the county shall fill such vacancy by appointment for the unexpired term.

SEC. 6. *No debt or loan except by a majority of voters.* No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

SEC. 7. *No money drawn except by law.* No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 8. *Charters to remain in force until legally changed.* All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 9. *Debts in aid of the rebellion not to be paid.* No county, city, town, or other municipal corporation shall assume or pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 10. *Powers of General Assembly over municipal corporations.* The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except Sections 5, 6, 7, and 9.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. *Corporations under general laws.* No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

SEC. 2. *Debts of corporations, how secured.* Dues from corporations shall be secured by such individual liabilities of the corporations, and other means, as may be prescribed by law.

SEC. 3. *What corporations shall include.* The term "corporation" as used in this Article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 4. *Legislature to provide for organizing cities, towns, etc.* It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

SECTION 1. *Education shall be encouraged.* Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. *General Assembly shall provide for schools; separation of the races.* The General Assembly, at its first Session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

SEC. 3. *Counties to be divided into districts.* Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least six months in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this Section, they shall be liable to indictment.

SEC. 4. *What property devoted to educational purposes.* The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. *County school fund; proviso.* All moneys, stocks, bonds, and other property belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: Provided, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. *Election of trustees, and provisions for maintenance, of the University.* The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws, and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. *Benefits of the University.* The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. *State Board of Education.* The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant-Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in Joint Session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this Section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the administrative head of the public school system and shall be secretary of the board. The

board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

SEC. 9. *Powers and Duties of the board.* The State Board of Education shall succeed to all the powers and trusts of the President and Directors of The Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers, to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and to make all needful rules and regulations in relation thereto. All the powers enumerated in this Section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

SEC. 10. *Agricultural department.* As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of agriculture, of mechanics, of mining, and of normal instruction.

SEC. 11. *Children must attend school.* The General Assembly is hereby empowered to enact that every child, of sufficient mental and physical ability, shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

SEC. 12. *Education expense grants and local option.* Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parent, or the person having control of such child, to a public school attended by a child of another race. A grant shall be available only for education in a nonsectarian school, and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

No action taken pursuant to the authority of this Section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. *Exemptions of personal property.* The personal property of any resident of this State, to the value of five hundred dollars ($500.00), to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court, issued for the collection of any debt.

SEC. 2. *Homestead.* Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars ($1,000.00), to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars ($1,000.00), shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

SEC. 3. *Homestead exemption from debt.* The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any of them.

SEC. 4. *Laborer's lien.* The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. *Benefit of widow.* If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

SEC. 6. *Property of married women secured to them.* The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

SEC. 7. *Husband may insure his life for the benefit of wife and children.* The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all claims of the representatives of her husband, or any of his creditors. And the policy shall not be

subject to claims of creditors of the insured during the life of the insured, if the insurance issued is for the sole use and benefit of the wife and/or children.

SEC. 8. *How deed for homestead may be made.* Nothing contained in the foregoing Sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS, AND PUBLIC CHARITIES

SECTION 1. *Punishments; convict labor; proviso.* The following punishments only shall be known to the laws of this State, viz.: Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: Provided, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this State.

SEC. 2. *Death punishment.* The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. *Penitentiary.* The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's prison or penitentiary at some central and accessible point within the State.

SEC. 4. *Houses of correction.* The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. *Houses of refuge.* A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

SEC. 6. *The sexes are to be separated.* It shall be required, by competent legislation, that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons secure the health and comfort of the prisoners and that male and female prisoners be never confined in the same room or cell.

SEC. 7. *Provision for the poor and orphans.* Beneficent provisions for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian state, the General Assembly shall, at its first

session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. *Orphan houses.* There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated, and taught some business or trade.

SEC. 9. *Inebriates and idiots.* It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

SEC. 10. *Deaf mutes, blind, and insane.* The General Assembly may provide that the indigent deaf-mute, blind, and insane of the State shall be cared for at the charge of the State.

SEC. 11. *Self-supporting.* It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. *Who are liable to militia duty.* All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. *Organizing, etc.* The General Assembly shall provide for the organizing, arming, equipping, and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. *Governor commander-in-chief.* The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repeal invasion.

SEC. 4. *Exemptions.* The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII

AMENDMENTS

SECTION 1. *Convention, how called.* No convention of the people of this State shall ever be called by the General Assembly unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and except the proposition, convention or no convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. *How the Constitution may be altered.* No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV

MISCELLANEOUS

SECTION 1. *Indictments.* All indictments which shall have been found or may hereafter be found for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

SEC. 2. *Penalty for fighting duel.* No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. *Drawing money.* No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. *Mechanic's lien.* The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 5. *Governor to make appointments.* In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

SEC. 6. *Seat of government.* The permanent seat of government in this State shall be at the City of Raleigh.

SEC. 7. *Dual office-holding.* No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes.

SEC. 8. *Intermarriage of whites and Negroes prohibited.* All marriages between a white person and a Negro, or between a white person and a person of Negro descent to the third generation, inclusive, are hereby forever prohibited.

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EXTRA SESSION 1965

OFFICIAL REGISTER

GENERAL ASSEMBLY

EXTRA SESSION, 1965

SENATE OFFICERS

NAME	POSITION	ADDRESS
ROBERT W. SCOTT	President	Rt. 1, Haw River
ROBERT B. MORGAN	President pro tem	Lillington
S. RAY BYERLY	Principal Clerk	Sanford
LEROY CLARK	Reading Clerk	Wendell
BROOKS W. POOLE	Sergeant-at-Arms	Raleigh

SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	J. EMMETT WINSLOW	Perquimans	Hertford
2	ASHLEY B. FUTRELL	Beaufort	Washington
3	J. J. HARRINGTON	Bertie	Lewiston
4	CARL V. VENTERS	Onslow	Jacksonville
5	THOMAS J. WHITE	Lenoir	Kinston
5	SAM L. WHITEHURST	Craven	New Bern
6	WALTER B. JONES	Pitt	Farmville
7	CAMERON S. WEEKS	Edgecombe	Tarboro
8	JULIAN R. ALLSBROOK	Halifax	Roanoke Rapids
9	D. F. MCGOUGAN, JR.	Columbus	Tabor City
10	ROY ROWE	Pender	Burgaw
10	STEWART B. WARREN	Sampson	Clinton
11	LINDSAY C. WARREN, JR.	Wayne	Goldsboro
12	DALLAS L. ALFORD, JR.	Nash	Rocky Mount
12	J. RUSSELL KIRBY	Wilson	Wilson
13	FRED S. ROYSTER	Vance	Henderson
14	HECTOR MACLEAN	Robeson	Lumberton
15	N. HECTOR MCGEACHY, JR.	Cumberland	Fayetteville
16	J. RUFFIN BAILEY	Wake	Raleigh
16	JYLES J. COGGINS	Wake	Raleigh
17	CLAUDE CURRIE	Durham	Durham
17	DON S. MATHESON	Orange	Hillsborough
18	VOIT GILMORE	Moore	Southern Pines
18	ROBERT B. MORGAN	Harnett	Lillington
19	RALPH H. SCOTT	Alamance	Haw River
20	SAM M. BASON	Caswell	Yanceyville
21	ED. KEMP	Guilford	High Point
21	L. P. MCLENDON, JR.	Guilford	Greensboro
22	JENNINGS G. KING	Scotland	Laurinburg
22	JOE S. SINK	Davidson	Lexington
23	GORDON HANES	Forsyth	Winston-Salem
23	WILLIAM Z. WOOD	Forsyth	Winston-Salem
24	C. FRANK GRIFFIN	Union	Monroe
24	FRED M. MILLS, JR.	Anson	Wadesboro
25	IRWIN BELK	Mecklenburg	Charlotte
25	MRS. MARTHA W. EVANS	Mecklenburg	Charlotte
25	HERMAN A. MOORE	Mecklenburg	Charlotte
26	THOMAS W. SEAY, JR.	Rowan	Spencer
27	JAMES V. JOHNSON	Iredell	Statesville
28	J. WORTH GENTRY	Stokes	King
29	F. D. B. HARDING (R)	Yadkin	Yadkinville
30	L. B. HOLLOWELL	Gaston	Gastonia
31	ADRIAN L. SHUFORD, JR.	Catawba	Conover
31	JACK H. WHITE	Cleveland	Kings Mountain
32	DR. DENNIS S. COOK	Caldwell	Lenoir
33	CLARENCE O. RIDINGS	Rutherford	Forest City
34	CLYDE M. NORTON	McDowell	Old Fort
35	HERBERT L. HYDE	Buncombe	Asheville
35	ORAL L. YATES, SR.	Haywood	Waynesville
36	W. FRANK FORSYTH	Cherokee	Murphy

EXTRA SESSION, 1965

HOUSE OFFICERS

NAME	POSITION	ADDRESS
H. P. TAYLOR, JR.	Speaker	Wadesboro
MRS. ANNIE E. COOPER	Principal Clerk	Raleigh
SAM J. BURROW, JR.	Reading Clerk	Asheboro
JOSEPH H. WARREN	Sergeant-at-Arms	Prospect Hill

REPRESENTATIVES

COUNTY	NAME	ADDRESS
Alamance	JACK M. EULISS	Burlington
	M. GLENN PICKARD	Burlington
Alexander	FRED YORK	Taylorsville
Alleghany	A. VANCE CHOATE	Sparta
Anson	H. P. TAYLOR, JR.	Wadesboro
Ashe	BASIL D. BARR	West Jefferson
Avery	MACK S. ISAAC (R)	Newland
Beaufort	WAYLAND J. SERMONS	Washington
Bertie	EMMETT W. BURDEN	Aulander
Bladen	JAMES C. GREEN	Clarkton
Brunswick	ODELL WILLIAMSON	Shallotte
Buncombe	I. C. CRAWFORD	Asheville
	GORDON H. GREENWOOD	Black Mountain
Burke	SAM J. ERVIN, III	Morganton
Cabarrus	DWIGHT W. QUINN	Kannapolis
Caldwell	EARL H. TATE	Lenoir
Camden	GEORGE M. WOOD	Camden
Carteret	THOMAS S. BENNETT (R)	Morehead City
Caswell	JNO. O. GUNN	Yanceyville
Catawba	J. HENRY HILL, JR.	Hickory
Chatham	JACK MOODY	Siler City
Cherokee	MRS. MARY FAYE BRUMBY	Murphy
Chowan	W. J. P. EARNHARDT, JR.	Edenton
Clay	WILEY A. MCGLAMERY	Hayesville
Cleveland	ROBERT Z. FALLS	Shelby
Columbus	ARTHUR W. WILLIAMSON	Chadbourn
Craven	R. C. GODWIN	New Bern
Cumberland	JOEL W. LAMBERT	Spring Lake
	I. H. O'HANLON	Fayetteville
	JOE B. RAYNOR, JR.	Fayetteville
Currituck	MILBURN E. SAWYER	Powells Point
Dare	ARCHIE BURRUS	Manteo
Davidson	J. EUGENE SNYDER (R)	Lexington
Davie	DONALD W. BINGHAM (R)	Advance
Duplin	HUGH S. JOHNSON, JR.	Rose Hill
Durham	NICK GALIFIANAKIS	Durham
	W. HANCE HOFLER	Durham
Edgecombe	JOE E. EAGLES	Macclesfield
Forsyth	FRED F. BAHNSON, JR.	Winston-Salem
	CLAUDE M. HAMRICK	Winston-Salem
	E. M. MCKNIGHT (R)	Clemmons
Franklin	JAMES D. SPEED	Louisburg
Gaston	STEVE DOLLEY	Gastonia
	HOYLE T. EFIRD	Gastonia
Gates	PHILIP P. GODWIN	Gatesville
Graham	W. V. COOPER	Robbinsville
Granville	JOE A. WATKINS	Oxford
Greene	I. JOSEPH HORTON	Snow Hill
Guilford	ELTON EDWARDS	Greensboro
	C. W. PHILLIPS	Greensboro
	W. MARCUS SHORT	Greensboro
	DANIEL P. WHITLEY, JR.	High Point
Halifax	THORNE GREGORY	Scotland Neck
Harnett	CARSON GREGORY	Angier
Haywood	ERNEST B. MESSER	Canton
Henderson	DON H. GARREN (R)	Hendersonville
Hertford	ROBERTS H. JERNIGAN, JR.	Ahoskie
Hoke	NEILL L. MCFADYEN	Raeford
Hyde	W. J. LUPTON	Swan Quarter
Iredell	ROBERT A. COLLIER, JR.	Statesville
Jackson	LACY H. THORNBURG	Sylva
Johnston	W. R. BRITT	Smithfield
Jones	MRS. IONA T. COLLIER	Trenton

EXTRA SESSION 1965

REPRESENTATIVES (Cont'd.)

COUNTY	NAME	ADDRESS
Lee	J. SHELTON WICKER	Sanford
Lenoir	GUY ELLIOTT	Kinston
Lincoln	C. E. LEATHERMAN	Lincolnton
Macon	CHARLES C. SUTTON	Rt. 2, Franklin
Madison	MRS. F. CRAFTON RAMSEY (R)	Walnut
Martin	PAUL D. ROBERSON	Robersonville
McDowell	PAUL J. STORY	Marion
Mecklenburg	ELMER H. GARINGER	Charlotte
	ARTHUR GOODMAN, JR.	Charlotte
	ERNEST L. HICKS	Charlotte
	MARVIN LEE RITCH	Charlotte
	JAMES B. VOGLER	Charlotte
Mitchell	J. DONT STREET (R)	Bakersville
Montgomery	J. PAUL WALLACE	Troy
Moore	T. CLYDE AUMAN	West End
Nash	ALLEN C. BARBEE	Spring Hope
New Hanover	GEORGE T. CLARK, JR. (R)	Wilmington
Northampton	J. RAYNOR WOODARD	Conway
Onslow	W. D. MILLS	Maysville
	HUGH A. RAGSDALE	Richlands
Orange	DONALD MCIVER STANFORD	Chapel Hill
Pamlico	LELAND V. BRINSON	Arapahoe
Pasquotank	C. ALDEN BAKER	Elizabeth City
Pender	REUBEN L. MOORE	Atkinson
Perquimans	ARCHIE T. LANE, SR.	Hertford
Person	JAMES E. RAMSEY	Roxboro
Pitt	W. A. (RED) FORBES	Winterville
Polk	J. THURSTON ARLEDGE	Tryon
Randolph	C. ROBY GARNER (R)	Asheboro
Richmond	W. R. LAND, JR.	Hamlet
Robeson	DAVID M. BRITT	Fairmont
	R. D. MCMILLAN, JR.	Red Springs
Rockingham	EARL W. VAUGHN	Draper
Rowan	CLYDE H. HARRISS	Salisbury
	GEORGE R. UZZELL	Salisbury
Rutherford	HOLLIS M. OWENS, JR.	Rutherfordton
Sampson	C. GRAHAM TART	Clinton
Scotland	ROGER C. KISER	Laurinburg
Stanly	CLYDE H. WHITLEY (R)	Albemarle
Stokes	MRS. GRACE TAYLOR RODENBOUGH	Walnut Cove
Surry	HUGH L. MERRITT	Mount Airy
Swain	C. R. CRAWFORD	Whittier
Transylvania	BEN W. THOMASON	Brevard
Tyrrell	W. J. WHITE	Columbia
Union	S. GLENN HAWFIELD	Monroe
Vance	A. A. ZOLLICOFFER, JR.	Henderson
Wake	THOMAS D. BUNN	Raleigh
	SAMUEL H. JOHNSON	Raleigh
	A. A. MCMILLAN	Raleigh
Warren	WILTON R. DRAKE	Macon
Washington	CARL L. BAILEY, JR.	Plymouth
Watauga	J. E. HOLSHOUSER, JR. (R)	Boone
Wayne	MRS. JOHN B. CHASE	Eureka
Wilkes	JOE O. BREWER (R)	Wilkesboro
Wilson	J. E. PASCHALL	Wilson
Yadkin	CHARLES G. REAVIS (R)	Yadkinville
Yancey	MARK W. BENNETT	Burnsville

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	ADDRESS
L. M. CHAFFIN	Enrolling Clerk	Lillington
JAMES H. WALKER	Indexer of Laws	Raleigh

SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION 1965

H. B. 1 CHAPTER 1

AN ACT TO AMEND THE LAW RELATING TO VISITING SPEAKERS AT STATE-SUPPORTED INSTITUTIONS AND TO VEST THE ADMINISTRATION AND REGULATORY POWER OF SAID LAW IN THE BOARD OF TRUSTEES OF THE VARIOUS STATE-SUPPORTED INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-199, as the same appears in the 1963 Cumulative Supplement of the General Statutes, is hereby amended by striking out the first four lines of said Section and by inserting in lieu thereof the following:

"§ 116-199. Use of Facilities for Speaking Purposes. The board of trustees of each college or university which receives any State funds in support thereof, shall adopt and publish regulations governing the use of facilities of such college or university for speaking purposes by any person who:".

Sec. 2. G. S. 116-200, as the same appears in the 1963 Cumulative Supplement of the General Statutes, is hereby amended by striking from line one thereof the words, "This Article" and inserting in lieu thereof the words "Any such regulations".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, but neither the provisions of this Act nor the provisions of Article 22 of Chapter 116 as the same appear in the 1963 Cumulative Supplement of the General Statutes, shall repeal or be construed to repeal any provision of Article 4 of Chapter 14 of the General Statutes.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of November, 1965.

S. B. 3 CHAPTER 2

AN ACT RELATIVE TO THE PRINTING OF THE ACTS, RESOLUTIONS AND JOURNALS OF THE EXTRA SESSION OF 1965.

The General Assembly of North Carolina do enact:

Section 1. The Acts and Resolutions of the Extra Session of 1965 shall be printed and published in the volume of 1967 Regular Session Laws,

and the Journals of the House and Senate of the Extra Session of 1965 shall be printed and published in the respective volumes of the 1965 Journals.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of November, 1965.

RESOLUTIONS

EXTRA SESSION 1965

S. R. 1 RESOLUTION 1

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE EXTRA SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND SIXTY-FIVE IS READY TO PROCEED WITH PUBLIC BUSINESS, AND INVITING HIM TO ADDRESS A JOINT EXTRA SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the Extra Session of the General Assembly of 1965 is organized and now ready to proceed with public business, and to invite him to address a Joint Extra Session of the General Assembly to be held in the Hall of the House, Monday, November 15, 1965, at 12:30 o'clock P. M., and at any other time he desires, either in person or in writing.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of November, 1965.

H. R. 3 RESOLUTION 2

A JOINT RESOLUTION BY THE EXTRA SESSION OF THE GENERAL ASSEMBLY OF 1965 PROVIDING FOR ADJOURNMENT ON WEDNESDAY NOVEMBER 17, 1965.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That both the House of Representatives and the Senate constituting the Extra Session of the General Assembly of 1965, do adjourn sine die on Wednesday, November 17, 1965, at 12:15 o'clock P. M.

Sec. 2. That this Resolution shall be in force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of November, 1965.

EXTRA SESSION 1966

EXTRA SESSION 1966

OFFICIAL REGISTER

GENERAL ASSEMBLY

EXTRA SESSION 1966

SENATE OFFICERS

NAME	POSITION	ADDRESS
ROBERT W. SCOTT	President	Rt. 1, Haw River
ROBERT B. MORGAN	President pro tem	Lillington
S. RAY BYERLY	Principal Clerk	Sanford
LEROY CLARK	Reading Clerk	Wendell
BROOKS W. POOLE	Sergeant-at-Arms	Raleigh

SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	J. EMMETT WINSLOW	Perquimans	Hertford
2	ASHLEY B. FUTRELL	Beaufort	Washington
3	J. J. HARRINGTON	Bertie	Lewiston
4	CARL V. VENTERS	Onslow	Jacksonville
5	THOMAS J. WHITE	Lenoir	Kinston
5	SAM L. WHITEHURST	Craven	New Bern
6	WALTER B. JONES	Pitt	Farmville
7	CAMERON S. WEEKS	Edgecombe	Tarboro
8	JULIAN R. ALLSBROOK	Halifax	Roanoke Rapids
9	D. F. MCGOUGAN, JR.	Columbus	Tabor City
10	ROY ROWE	Pender	Burgaw
10	STEWART B. WARREN	Sampson	Clinton
11	LINDSAY C. WARREN, JR.	Wayne	Goldsboro
12	DALLAS L. ALFORD, JR.	Nash	Rocky Mount
12	J. RUSSELL KIRBY	Wilson	Wilson
13	FRED S. ROYSTER	Vance	Henderson
14	HECTOR MACLEAN	Robeson	Lumberton
15	N. HECTOR MCGEACHY, JR.	Cumberland	Fayetteville
16	J. RUFFIN BAILEY	Wake	Raleigh
16	JYLES J. COGGINS	Wake	Raleigh
17	CLAUDE CURRIE	Durham	Durham
17	DON S. MATHESON	Orange	Hillsborough
18	VOIT GILMORE	Moore	Southern Pines
18	ROBERT B. MORGAN	Harnett	Lillington
19	RALPH H. SCOTT	Alamance	Haw River
20	SAM M. BASON	Caswell	Yanceyville
21	ED. KEMP	Guilford	High Point
21	L. P. MCLENDON, JR.	Guilford	Greensboro
22	JENNINGS G. KING	Scotland	Laurinburg
22	JOE S. SINK	Davidson	Lexington
23	GORDON HANES	Forsyth	Winston-Salem
23	WILLIAM Z. WOOD	Forsyth	Winston-Salem
24	C. FRANK GRIFFIN	Union	Monroe
24	FRED M. MILLS, JR.	Anson	Wadesboro
25	IRWIN BELK	Mecklenburg	Charlotte
25	MRS. MARTHA W. EVANS	Mecklenburg	Charlotte
25	HERMAN A. MOORE	Mecklenburg	Charlotte
26	THOMAS W. SEAY, JR.	Rowan	Spencer
27	JAMES V. JOHNSON	Iredell	Statesville
28	J. WORTH GENTRY	Stokes	King
29	F. D. B. HARDING (R)	Yadkin	Yadkinville
30	L. B. HOLLOWELL	Gaston	Gastonia
31	ADRIAN L. SHUFORD, JR.	Catawba	Conover
31	JACK H. WHITE	Cleveland	Kings Mountain
32	DR. DENNIS S. COOK	Caldwell	Lenoir
33	CLARENCE O. RIDINGS	Rutherford	Forest City
34	CLYDE M. NORTON	McDowell	Old Fort
35	HERBERT L. HYDE	Buncombe	Asheville
35	ORAL L. YATES, SR.	Haywood	Waynesville
36	W. FRANK FORSYTH	Cherokee	Murphy

EXTRA SESSION, 1966

HOUSE OFFICERS

NAME	POSITION	ADDRESS
H. P. TAYLOR, JR.	Speaker	Wadesboro
MRS. ANNIE E. COOPER	Principal Clerk	Raleigh
SAM J. BURROW, JR.	Reading Clerk	Asheboro
JOSEPH H. WARREN	Sergeant-at-Arms	Prospect Hill

REPRESENTATIVES

COUNTY	NAME	ADDRESS
Alamance	JACK M. EULISS	Burlington
	M. GLENN PICKARD	Burlington
Alexander	FRED YORK	Taylorsville
Alleghany	A. VANCE CHOATE	Sparta
Anson	H. P. TAYLOR, JR.	Wadesboro
Ashe	BASIL D. BARR	West Jefferson
Avery	MACK S. ISAAC (R)	Newland
Beaufort	WAYLAND J. SERMONS	Washington
Bertie	EMMETT W. BURDEN	Aulander
Bladen	JAMES C. GREEN	Clarkton
Brunswick	ODELL WILLIAMSON	Shallotte
Buncombe	I. C. CRAWFORD	Asheville
	GORDON H. GREENWOOD	Black Mountain
Burke	SAM J. ERVIN, III	Morganton
Cabarrus	DWIGHT W. QUINN	Kannapolis
Caldwell	EARL H. TATE	Lenoir
Camden	GEORGE M. WOOD	Camden
Carteret	THOMAS S. BENNETT (R)	Morehead City
Caswell	JNO. O. GUNN	Yanceyville
Catawba	J. HENRY HILL, JR.	Hickory
Chatham	JACK MOODY	Siler City
Cherokee	MRS. MARY FAYE BRUMBY	Murphy
Chowan	W. J. P. EARNHARDT, JR.	Edenton
Clay	WILEY A. MCGLAMERY	Hayesville
Cleveland	ROBERT Z. FALLS	Shelby
Columbus	ARTHUR W. WILLIAMSON	Chadbourn
Craven	R. C. GODWIN	New Bern
Cumberland	JOEL W. LAMBERT	Spring Lake
	I. H. O'HANLON	Fayetteville
	JOE B. RAYNOR, JR.	Fayetteville
Currituck	MILBURN E. SAWYER	Powells Point
Dare	ARCHIE BURRUS	Manteo
Davidson	J. EUGENE SNYDER (R)	Lexington
Davie	DONALD W. BINGHAM (R)	Advance
Duplin	HUGH S. JOHNSON, JR.	Rose Hill
Durham	NICK GALIFIANAKIS	Durham
	W. HANCE HOFLER	Durham
Edgecombe	JOE E. EAGLES	Macclesfield
Forsyth	FRED F. BAHNSON, JR.	Winston-Salem
	CLAUDE M. HAMRICK	Winston-Salem
	E. M. MCKNIGHT (R)	Clemmons
Franklin	JAMES D. SPEED	Louisburg
Gaston	STEVE DOLLEY	Gastonia
	HOYLE T. EFIRD	Gastonia
Gates	PHILIP P. GODWIN	Gatesville
Graham	W. V. COOPER	Robbinsville
Granville	JOE A. WATKINS	Oxford
Greene	I. JOSEPH HORTON	Snow Hill
Guilford	ELTON EDWARDS	Greensboro
	C. W. PHILLIPS	Greensboro
	W. MARCUS SHORT	Greensboro
	DANIEL P. WHITLEY, JR.	High Point
Halifax	THORNE GREGORY	Scotland Neck
Harnett	CARSON GREGORY	Angier
Haywood	ERNEST B. MESSER	Canton
Henderson	DON H. GARREN (R)	Hendersonville
Hertford	ROBERTS H. JERNIGAN, JR.	Ahoskie
Hoke	NEILL L. MCFADYEN	Raeford
Hyde	W. J. LUPTON	Swan Quarter
Iredell	ROBERT A. COLLIER, JR.	Statesville
Jackson	LACY H. THORNBURG	Sylva
Johnston	W. R. BRITT	Smithfield
Jones	MRS. IONA T. COLLIER	Trenton

EXTRA SESSION, 1966

REPRESENTATIVES (Cont'd.)

COUNTY	NAME	ADDRESS
Lee	J. SHELTON WICKER	Sanford
Lenoir	GUY ELLIOTT	Kinston
Lincoln	C. E. LEATHERMAN	Lincolnton
Macon	CHARLES C. SUTTON	Rt. 2, Franklin
Madison	MRS. F. CRAFTON RAMSEY (R)	Walnut
Martin	PAUL D. ROBERSON	Robersonville
McDowell	PAUL J. STORY	Marion
Mecklenburg	ELMER H. GARINGER	Charlotte
	ARTHUR GOODMAN, JR.	Charlotte
	ERNEST L. HICKS	Charlotte
	MARVIN LEE RITCH	Charlotte
	JAMES B. VOGLER	Charlotte
Mitchell	J. DONT STREET (R)	Bakersville
Montgomery	J. PAUL WALLACE	Troy
Moore	T. CLYDE AUMAN	West End
Nash	ALLEN C. BARBEE	Spring Hope
New Hanover	GEORGE T. CLARK, JR. (R)	Wilmington
Northampton	J. RAYNOR WOODARD	Conway
Onslow	W. D. MILLS	Maysville
	HUGH A. RAGSDALE	Richlands
Orange	DONALD McIVER STANFORD	Chapel Hill
Pamlico	LELAND V. BRINSON	Arapahoe
Pasquotank	C. ALDEN BAKER	Elizabeth City
Pender	REUBEN L. MOORE	Atkinson
Perquimans	ARCHIE T. LANE, SR.	Hertford
Person	JAMES E. RAMSEY	Roxboro
Pitt	W. A. (RED) FORBES	Winterville
Polk	J. THURSTON ARLEDGE	Tryon
Randolph	C. ROBY GARNER (R)	Asheboro
Richmond	W. R. LAND, JR.	Hamlet
Robeson	DAVID M. BRITT	Fairmont
	R. D. McMILLAN, JR.	Red Springs
Rockingham	EARL W. VAUGHN	Draper
Rowan	CLYDE H. HARRISS	Salisbury
	GEORGE R. UZZELL	Salisbury
Rutherford	HOLLIS M. OWENS, JR.	Rutherfordton
Sampson	C. GRAHAM TART	Clinton
Scotland	ROGER C. KISER	Laurinburg
Stanly	CLYDE H. WHITLEY (R)	Albemarle
Stokes	MRS. GRACE TAYLOR RODENBOUGH	Walnut Cove
Surry	HUGH L. MERRITT	Mount Airy
Swain	C. R. CRAWFORD	Whittier
Transylvania	BEN W. THOMASON	Brevard
Tyrrell	W. J. WHITE	Columbia
Union	S. GLENN HAWFIELD	Monroe
Vance	A. A. ZOLLICOFFER, JR.	Henderson
Wake	THOMAS D. BUNN	Raleigh
	SAMUEL H. JOHNSON	Raleigh
	A. A. McMILLAN	Raleigh
Warren	WILTON R. DRAKE	Macon
Washington	CARL L. BAILEY, JR.	Plymouth
Watauga	J. E. HOLSHOUSER, JR. (R)	Boone
Wayne	MRS. JOHN B. CHASE	Eureka
Wilkes	JOE O. BREWER (R)	Wilkesboro
Wilson	J. E. PASCHALL	Wilson
Yadkin	CHARLES G. REAVIS (R)	Yadkinville
Yancey	MARK W. BENNETT	Burnsville

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	ADDRESS
L. M. CHAFFIN	Enrolling Clerk	Lillington
JAMES H. WALKER	Indexer of Laws	Raleigh

SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION 1966

S. B. 3 **CHAPTER 1**

AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND APPORTION SEATS IN THE SENATE AMONG THOSE DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 120-1 is rewritten to read as follows:

"§ 120-1. Senate. For the purpose of nominating and electing members of the Senate in 1966 and every two years thereafter, senatorial districts are established and seats in the Senate are apportioned among those districts as follows:

District 1 shall consist of Bertie, Camden, Chowan, Currituck, Gates, Hertford, Northampton, Pasquotank, Perquimans, and Washington Counties and shall elect two Senators.

District 2 shall consist of Beaufort, Dare, Hyde, Martin, and Tyrrell Counties and shall elect one Senator.

District 3 shall consist of Carteret, Craven, and Pamlico Counties and shall elect one Senator.

District 4 shall consist of Edgecombe, Halifax, Pitt, and Warren Counties and shall elect two Senators.

District 5 shall consist of Greene, Jones, and Lenoir Counties and shall elect one Senator.

District 6 shall consist of Onslow County and shall elect one Senator.

District 7 shall consist of Franklin, Granville, and Vance Counties and shall elect one Senator.

District 8 shall consist of Johnston, Nash, and Wilson Counties and shall elect two Senators.

District 9 shall consist of Wayne County and shall elect one Senator.

District 10 shall consist of Duplin, New Hanover, Pender, and Sampson Counties and shall elect two Senators.

District 11 shall consist of Durham, Orange and Person Counties and shall elect two Senators.

District 12 shall consist of Wake County and shall elect two Senators.

District 13 shall consist of Chatham, Harnett, and Lee Counties and shall elect one Senator.

District 14 shall consist of Cumberland and Hoke Counties and shall elect two Senators.

District 15 shall consist of Bladen, Brunswick, and Columbus Counties and shall elect one Senator.

District 16 shall consist of Caswell and Rockingham Counties and shall elect one Senator.

District 17 shall consist of Alamance County and shall elect one Senator.

District 18 shall consist of Guilford and Randolph Counties and shall elect three Senators.

District 19 shall consist of Davidson, Montgomery, Moore, Richmond, and Scotland Counties and shall elect two Senators.

District 20 shall consist of Robeson County and shall elect one Senator.

District 21 shall consist of Alleghany, Ashe, Stokes, and Surry Counties and shall elect one Senator.

District 22 shall consist of Forsyth County and shall elect two Senators.

District 23 shall consist of Rowan County and shall elect one Senator.

District 24 shall consist of Anson, Cabarrus, Stanly, and Union Counties and shall elect two Senators.

District 25 shall consist of Davie, Watauga, Wilkes, and Yadkin Counties and shall elect one Senator.

District 26 shall consist of Alexander, Catawba, Iredell, and Lincoln Counties and shall elect two Senators.

District 27 shall consist of Mecklenburg County and shall elect three Senators.

District 28 shall consist of Burke and Caldwell Counties and shall elect one Senator.

District 29 shall consist of Cleveland and Gaston Counties and shall elect two Senators.

District 30 shall consist of Avery, McDowell, and Rutherford Counties and shall elect one Senator.

District 31 shall consist of Buncombe, Madison, Mitchell, and Yancey Counties and shall elect two Senators.

District 32 shall consist of Haywood, Henderson, and Polk Counties and shall elect one Senator.

District 33 shall consist of Cherokee, Clay, Graham, Jackson, Macon, Swain, and Transylvania Counties and shall elect one Senator."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed, except that G. S. 120-1 as that Section read immediately prior to the ratification of this Act shall remain in force until November 7, 1966, for the sole purpose of governing the filling of vacancies occurring in the membership of the General Assembly elected in 1964.

Sec. 4. This Act shall take affect upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of January, 1966.

H. B. 8 **CHAPTER 2**

AN ACT RELATING TO REAPPORTIONMENT OF BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of any county in which by law

(a) any member of the board is nominated or elected by the voters of an area less than the whole county, or

(b) residence in any area less than the whole county is a condition of eligibility for candidacy for a seat on the board

is hereby authorized to find as a fact whether any citizens of the county are denied equal representation on the board because of the degree of differences in population of such election or residence areas.

Sec. 2. Upon a finding of denial of equal representation as provided above, the board of county commissioners may by Resolution:

(a) Redefine the election or residence areas within the county and, if necessary, reapportion commissioners among the areas so defined, or

(b) Provide that all persons otherwise qualified shall be eligible for candidacy for a seat on the board without restriction as to place of residence within the county, and that all such candidates shall be nominated and elected by the voters of the county as a whole.

Sec. 3. Redefined election or residence areas shall be so composed that the ratios obtained by dividing the population of each area by the number of commissioners apportioned to that area are as nearly equal as practicable, taking into account contiguity and compactness of territory of the respective areas. Area boundaries should follow township lines and the corporate limits of municipalities wherever practicable.

Sec. 4. The unexpired term of office of any commissioner duly elected or appointed prior to the effective date of a Resolution adopted pursuant to this Act shall not be affected by any change in the boundaries of the area in which he resides. If the terms of office of all members of the board do not expire at the same time, the board of commissioners shall set forth in the resolution the expiring terms to be filled.

Sec. 5. The effective date of a Resolution adopted pursuant to this Act shall be the date of its adoption; provided, however, that in order to assure an orderly election procedure, any such Resolution adopted within the period of time beginning 60 days before a primary election, and ending 60 days after a general election, for the office of county commissioner, shall become effective upon the day next following the end of such period.

Sec. 6. Certified copies of any such Resolution, as the same shall appear in the minutes of the board, shall, not later than 10 days following the effective date thereof, be filed in the office of the Secretary of State, the office of Register of Deeds of the county, and with the chairman of the county board of elections.

Sec. 7. If any provision or clause of this Act or application thereof in any circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 8. This Act shall not repeal the provisions of any law relating to the composition, nomination or election of county commissioners, except as such provisions are superseded by a Resolution adopted, recorded and filed pursuant to this Act.

Sec. 9. Subject to the provisions of Section 7 of this Act, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9½. The provisions of this Act shall not apply to Cherokee County.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of January, 1966.

S. B. 7

CHAPTER 3

AN ACT TO PROVIDE PER DIEM COMPENSATION AND ALLOWANCES FOR MEMBERS OF THE SELECT COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES ON REAPPORTIONMENT AND REDISTRICTING.

The General Assembly of North Carolina do enact:

Section 1. The members of the General Assembly appointed by the President of the Senate and the Speaker of the House of Representatives to serve on the Select Committee of the Senate on the Redistricting and Reapportionment of the Senate, the Select Committee of the House of Representatives on the Redistricting and Reapportionment of the House of Representatives, and the Joint Select Committee of the House of Representatives and the Senate on Congressional Redistricting, shall be entitled to receive for their services on those Committees between December 8, 1965 and January 9, 1966, per diem compensation and travel and subsistence allowances at the rates provided in G. S. 138-5 for members of State boards and commissions, such payments to be made out of the appropriation for the operation of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

S. B. 11

CHAPTER 4

AN ACT RELATIVE TO THE PRINTING OF THE ACTS, RESOLUTIONS AND JOURNALS OF THE EXTRA SESSION OF 1966.

The General Assembly of North Carolina do enact:

Section 1. The Acts and Resolutions of the Extra Session of 1966 shall be printed and published in the volume of 1967 Regular Session Laws, and the Journals of the House and Senate of the Extra Session of 1966 shall be printed and published in the respective volumes of the 1965 Journals.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

H. B. 1

CHAPTER 5

AN ACT TO ESTABLISH REPRESENTATIVE DISTRICTS, TO APPORTION SEATS IN THE HOUSE OF REPRESENTATIVES AMONG THOSE DISTRICTS, AND TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE HOUSE OF REPRESENTATIVES BY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 120-2 is rewritten to read as follows:

"§ 120-2. House of Representatives. For the purpose of nominating and electing members of the House of Representatives in 1966 and every two years thereafter, representative districts are established and seats in the House of Representatives are apportioned among those districts as follows, which representative districts shall be numbered from 1 through 49, consecutively:

District 1 shall consist of Camden, Chowan, Currituck, Gates, Pasquotank, and Perquimans Counties and shall elect two Representatives.

District 2 shall consist of Beaufort, Dare, Hyde, Tyrrell, and Washington Counties and shall elect two Representatives.

District 3 shall consist of Carteret, Craven, and Pamlico Counties and shall elect three Representatives.

District 4 shall consist of Onslow and Pender Counties and shall elect three Representatives.

District 5 shall consist of New Hanover County and shall elect two Representatives.

District 6 shall consist of Bertie, Hertford, and Northampton Counties and shall elect two Representatives.

District 7 shall consist of Halifax and Martin Counties and shall elect two Representatives.

District 8 shall consist of Pitt County and shall elect two Representatives.

District 9 shall consist of Greene, Jones, and Lenoir Counties and shall elect two Representatives.

District 10 shall consist of Wayne County and shall elect two Representatives.

District 11 shall consist of Duplin County and shall elect one Representative.

District 12 shall consist of Bladen and Sampson Counties and shall elect two Representatives.

District 13 shall consist of Brunswick and Columbus Counties and shall elect two Representatives.

District 14 shall consist of Edgecombe and Nash Counties and shall elect three Representatives.

District 15 shall consist of Johnston and Wilson Counties and shall elect three Representatives.

District 16 shall consist of Franklin, Vance, and Warren Counties and shall elect two Representatives.

District 17 shall consist of Caswell, Granville, and Person Counties and shall elect two Representatives.

District 18 shall consist of Durham County and shall elect three Representatives.

District 19 shall consist of Wake County and shall elect four Representatives.

District 20 shall consist of Chatham and Orange Counties and shall elect two Representatives.

District 21 shall consist of Alamance County and shall elect two Representatives.

District 22 shall consist of Harnett and Lee Counties and shall elect two Representatives.

District 23 shall consist of Cumberland County and shall elect four Representatives.

District 24 shall consist of Hoke, Robeson, and Scotland Counties and shall elect four Representatives.

District 25 shall consist of Rockingham County and shall elect two Representatives.

District 26 shall consist of Guilford County and shall elect six Representatives.

District 27 shall consist of Montgomery and Randolph Counties and shall elect two Representatives.

District 28 shall consist of Moore County and shall elect one Representative.

District 29 shall consist of Richmond County and shall elect one Representative.

District 30 shall consist of Forsyth County and shall elect five Representatives.

District 31 shall consist of Davidson County and shall elect two Representatives.

District 32 shall consist of Stanly County and shall elect one Representative.

District 33 shall consist of Anson and Union Counties and shall elect two Representatives.

District 34 shall consist of Rowan County and shall elect two Representatives.

District 35 shall consist of Cabarrus County and shall elect two Representatives.

District 36 shall consist of Mecklenburg County and shall elect seven Representatives.

District 37 shall consist of Alleghany, Ashe, Stokes, and Surry Counties and shall elect three Representatives.

District 38 shall consist of Wilkes and Yadkin Counties and shall elect two Representatives.

District 39 shall consist of Davie and Iredell Counties and shall elect two Representatives.

District 40 shall consist of Catawba County and shall elect two Representatives.

District 41 shall consist of Gaston and Lincoln Counties and shall elect four Representatives.

District 42 shall consist of Alexander, Burke, and Caldwell Counties and shall elect three Representatives.

District 43 shall consist of Cleveland, Polk, and Rutherford Counties and shall elect three Representatives.

District 44 shall consist of Avery, Mitchell, and Watauga Counties and shall elect one Representative.

District 45 shall consist of Buncombe and McDowell Counties and shall elect four Representatives.

District 46 shall consist of Henderson County and shall elect one Representative.

District 47 shall consist of Haywood, Madison, and Yancey Counties and shall elect two Representatives.

District 48 shall consist of Jackson, Swain, and Transylvania Counties and shall elect one Representative.

District 49 shall consist of Cherokee, Clay, Graham, and Macon Counties and shall elect one Representative.

Sec. 2. Paragraph (13) of G. S. 163-14 is rewritten to read as follows:

"To issue certificates of election to county officers and members of the General Assembly, except those elected in districts composed of more than one county."

Sec. 3. The first paragraph of G. S. 163-89 is amended to read as follows:

"When the county boards of elections shall have completed the original abstracts, they shall also prepare separate duplicate abstracts for all offices for which the State Board of Elections is required to canvass the votes and declare the results, which shall include the following: For President and Vice-President; for State officers and United States Senator; for Representatives to Congress; for solicitors; for State Senators in senatorial districts composed of more than one county; for members of the State House of Representatives in representative districts composed of more than one county; and for amendments and propositions submitted."

Sec. 4. The first sentence of G. S. 163-91 is amended to read as follows:

"In the general election, the person having the greatest number of legal votes for a county or township office, or for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county, shall be declared elected by the county board of elections."

Sec. 5. The first sentence of G. S. 163-92 is amended to read as follows:

"The chairman of the county board of elections of each county shall furnish, within ten days, the person or persons elected to membership in

the General Assembly in representative and senatorial districts composed of only one county, and the county officers, a certificate of election under his hand and seal."

Sec. 6. The first sentence of G. S. 163-93 is amended to read as follows:

"The State Board of Elections shall constitute the legal canvassing board for the State of all national, State and district offices, including the offices of State Senator and member of the State House of Representatives in those senatorial and representative districts consisting of more than one county."

Sec. 7. G. S. 163-96 is amended by renumbering paragraph (6) thereof as "(7)" and by inserting therein a new paragraph (6) to read as follows:

"(6) Upon another sheet an abstract of votes for members of the State House of Representatives in the several representative districts in the State, where such districts are composed of more than one county."

Sec. 8. The first sentence of G. S. 163-124 is amended to read as follows:

"When the time for filing notices by candidates for nomination shall have expired, the chairman of the State Board of Elections shall within three days thereafter certify the facts as to such notices as have been filed with it to the Secretary of State; and in the representative districts composed of more than one county and in the senatorial districts composed of more than one county where there is no agreement as provided for in § 163-113, the chairman or secretary of the county board of elections of each county in such representative or senatorial district shall, within three days after the time for filing such notice shall have expired, certify to every other chairman of the county board of elections in such representative or senatorial district the names of all candidates who have filed notice of candidacy in their respective counties for the office of member of the State House of Representatives or for the office of State Senator; and said chairman, acting under the direction of the State Board of Elections and under such rules and regulations as may be prescribed by it, shall, without delay, at the expense of the State, cause a sufficient number of official ballots to be printed for each political party having candidates to be voted for in the primary and distributed to the chairman of the county boards of elections in the several counties, upon which ballot shall appear the names of candidates who shall, under the provisions of this Article, have filed notice of their candidacy and otherwise complied with the requirements of this Article, except candidates for offices ballots for which are herein provided to be printed by the several county boards of elections, so that such ballots shall be received by the respective county boards of elections at least thirty days before the date of holding such primaries."

Sec. 9. G. S. 163-128 is amended by inserting in line 6 thereof after the word "Senate" and before the word "in," the words "or House of Representatives."

Sec. 10. G. S. 163-132 is amended by inserting in line 17 thereof after the word "Senator" and before the word "and," a comma and the words "State Representative."

Sec. 11. G. S. 163-134 is amended to read as follows:

"In all cases where only one aspirant for nomination by the party with which he affiliates for the State Senate or House of Representatives in a senatorial or representative district composed of only one county, or for a county office, shall have filed the notice of candidacy in this Article required, the county board of elections shall, upon the expiration of the time fixed for filing such notice, declare him the nominee of his party, and his name shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as his party's candidate for such office."

Sec. 12. G. S. 163-137 is amended to read as follows:

"The county boards of elections of the several counties shall tabulate the returns made by the judges and registrars of the several precincts in their respective counties with reference to candidates in the primaries, so as to show the total number of votes cast for each candidate of each political party for each office, and, when thus compiled on blanks to be prepared and furnished by the State Board of Elections for the purpose, these returns, in the case of officers other than members of the State House of Representatives and State Senate in representative and senatorial districts composed of only one county, and county officers, shall be made out for each county in duplicate, and one copy shall be forwarded to the State Board of Elections and one copy shall be filed with the Clerk of the Superior Court of the county from which such returns are made; in the case of a State Representative or State Senator in a representative or senatorial district composed of only one county, and county officers, such returns shall be made out in duplicate, and one copy thereof filed with the Clerk of the Superior Court and one copy retained by the county board of elections, which shall forthwith, as to such last mentioned offices, publish and declare the results."

Sec. 13. (a) The proviso beginning in line 6 of the second paragraph of G. S. 163-140 is amended to read as follows:

"Provided further, that unless the aspirant for a county, township, or single-county legislative district office who receives the second highest number of votes shall, by twelve o'clock noon on the fifth day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the appropriate county board of elections, file in writing with the appropriate county board of elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the county board of elections; or unless the aspirant for a legislative office in a multi-county senatorial or representative district, or for a district or State office required by law to file with the State Board of Elections, who receives the second highest number of votes shall, by twelve o'clock noon on the third day after the result of the first primary election shall have been officially declared, and such aspirant has been notified by the chairman or secretary of the State Board of Elections,

file in writing or by telegram with the State Board of Elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by the State Board of Elections."

(b) The first sentence of the fifth paragraph of G. S. 163-140 is amended to read as follows:

"In the event of a tie vote between two candidates for party nomination for a county, township, or single-county legislative district office in the first primary, a recount of the votes for both candidates shall be made by the county board of elections in the county in which the two candidates were voted for, and the results of said recount shall be declared by the county board of elections."

(c) The third sentence of the fifth paragraph of G. S. 163-140 is amended to read as follows:

"In the event of a tie vote in a primary election between two candidates for any State office, or for United States Senator, or for any district office (including State Senator and Representative in a multi-county senatorial or representative district), no recount shall be held by reason of the tie, but the two candidates having a tie vote shall be entered in a second primary to be held on the prescribed date for second primaries, unless one of the two candidates files a notice of withdrawal with the State Board of Elections within three days after the results of the first primary have been officially declared and published."

Sec. 14. The first sentence of G. S. 163-145, is amended to read as follows:

"In the event that any person nominated in any primary election, or a person who has been declared nominated without opposition after the time for filing notice of candidacy has expired, as the candidate of a political party for a State office, including the office of United States Senator, shall die, resign or for any reason become ineligible or disqualified before the date of the ensuing general election, the vacancy in the nomination caused thereby shall be filled by the action of the State executive committee of such political party in which the vacancy occurred; in the event of such a vacancy in the nomination of a candidate for a district office, including the offices of Representative in the Congress of the United States, Judge of the Superior Court, solicitor, or State Senator or Representative in a senatorial or representative district composed of more than one county, the same shall be filled by the action of the appropriate executive committee for such district of such political party in which the vacancy occurred; and in the event of such vacancy in the nomination of a candidate for a county office or for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county, and including the county entitled to furnish the senator under a rotation agreement as provided for in § 163-113, the same shall be filled by the action of the executive committee of the party affected thereby in the county wherein such vacancy occurred; provided that where the general election ballots have already been printed before the vacancy occurs then § 163-153 shall apply."

Sec. 15. G. S. 163-193 is amended by changing the period in line 18 following the word "sentence" to a colon, and by inserting the following proviso in the said line before the word "It":

"Provided, however, that candidates for the House of Representatives in multi-county representative districts shall file copies of the said statement with the Clerk of Superior Court of each county in the representative district."

Sec. 16. Chapter 826, Session Laws of 1957; Chapter 484, Session Laws of 1961; Chapter 621, Session Laws of 1959; Chapter 894, Session Laws of 1945; Chapter 442, Session Laws of 1955; Chapter 103, Public-Local Laws of 1941; Chapter 439, Session Laws of 1955; Chapter 238, Session Laws of 1959; and all other special and local acts providing for the nomination of candidates for the State House of Representatives by convention in any county, are modified and amended as follows: In the several representative districts of the State containing two or more counties, each political party shall nominate candidates for membership in the State House of Representatives according to the provisions of the state-wide primary law, Article 19, Chapter 163 of the General Statutes of North Carolina, or by district convention of the party when so provided by law. In a county assigned to a multi-county representative district, no political party shall nominate candidates for the State House of Representatives by party convention for the single county.

Sec. 17. All laws and clauses of laws in conflict with this Act are repealed, except that G. S. 120-2 as that Section read immediately prior to the ratification of this Act shall remain in force until November 7, 1966, for the sole purpose of governing the filling of vacancies occurring in the membership of the General Assembly elected in 1964.

Sec. 18. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

H. B. 12 CHAPTER 6

AN ACT TO APPORTION THE NORTH CAROLINA HOUSE OF REPRESENTATIVES IN THE EVENT THE UNITED STATES CONSTITUTION IS AMENDED TO PERMIT REPRESENTATION OTHER THAN BY POPULATION IN ONE HOUSE OF A BICAMERAL LEGISLATURE.

The General Assembly of North Carolina do enact:

Section 1. In the event the Constitution of the United States is amended to permit representation in one house of bicameral legislatures of the several states on some basis other than population, the membership of the North Carolina House of Representatives shall automatically be and the same is re-established as provided in G. S. 120-2, as the same appears in the 1964 Replacement Volume 3B of the General Statutes of North Carolina, when approved by the voters of the State if approval is required by such amendment, and the members shall be elected at the next primary and general election held more than ten months immediately

following the adoption of the constitutional amendment, and biennially thereafter, as provided in Chapter 163-1964 Replacement Volume 3D of the General Statutes of North Carolina.

Sec. 2. Should such amendment to the United States Constitution require approval by the voters of a state of any plan placing one house of a bicameral legislature on other than population before the same shall become effective then the Governor of North Carolina shall forthwith call an election and submit the re-establishment of the North Carolina House of Representatives as the same appears in the 1964 Replacement Volume 3B of the General Statutes of North Carolina to the voters for approval or disapproval.

Sec. 3. All laws and clauses of laws in conflict of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification provided, however, nothing contained herein shall affect the validity of any North Carolina House of Representatives until members have been elected for such re-established North Carolina House of Representatives and take such office.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

S. B. 4 CHAPTER 7

AN ACT TO ESTABLISH CONGRESSIONAL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-103 is rewritten to read as follows:

"163-103. Congressional Districts Specified. For the purpose of nominating and electing members of the House of Representatives of the United States Congress in 1966 and every two years thereafter, there are established the following congressional districts, from each of which one representative shall be elected:

District 1 shall consist of Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington Counties.

District 2 shall consist of Edgecombe, Franklin, Granville, Greene, Halifax, Johnston, Lenoir, Vance, Warren, and Wilson Counties.

District 3 shall consist of Carteret, Duplin, Harnett, Lee, Onslow, Pender, Sampson, and Wayne Counties.

District 4 shall consist of Chatham, Montgomery, Moore, Nash, Orange, Randolph, and Wake Counties.

District 5 shall consist of Caswell, Durham, Forsyth, Person, Rockingham, and Stokes Counties.

District 6 shall consist of Alamance, Davidson, and Guilford Counties.

District 7 shall consist of Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson and Scotland Counties.

District 8 shall consist of Anson, Lincoln, Mecklenburg, Richmond, and Union Counties.

District 9 shall consist of Alleghany, Ashe, Cabarrus, Caldwell, Davie, Rowan, Stanly, Surry, Watauga, Wilkes, and Yadkin Counties.

District 10 shall consist of Alexander, Avery, Burke, Catawba, Cleveland, Gaston, and Iredell Counties.

District 11 shall consist of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed, except that G. S. 163-103 as that Section read immediately prior to the ratification of this Act shall remain in force until November 7, 1966, for the sole purpose of governing the filling of any vacancy occurring in the term of office which ends in January 1967.

Sec. 4. This Act shall take effect on February 15, 1966.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

RESOLUTIONS

EXTRA SESSION 1966

S. R. 1 RESOLUTION 1

A JOINT RESOLUTION IMFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE EXTRA SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND NINE HUNDRED AND SIXTY-SIX IS READY TO PROCEED WITH PUBLIC BUSINESS, AND INVITING HIM TO ADDRESS A JOINT EXTRA SESSION OF THE GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the Extra Session of the General Assembly of 1966 is organized and now ready to proceed with public business, and to invite him to address a Joint Extra Session of the General Assembly to be held in the Hall of the House, Monday, January 10, 1966, at 12:30 o'clock P. M., and at any other time he desires, either in person or in writing.

Sec. 2. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of January, 1966.

H. R. 13 RESOLUTION 2

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ARCHIBALD CREE GAY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, the General Assembly is deeply grieved by the recent death of Archibald Cree Gay who was born in Jackson, Northampton County on August 20, 1894; and

WHEREAS, he was educated at the University of North Carolina and Wake Forest College School of Law; and

WHEREAS, he contributed to the growth, improvement and welfare of his community and county through his manifold activities, including service as Mayor of the Town of Jackson, Attorney for Northampton County, Chairman of the County Democratic Executive Committee, Deacon and Superintendent of Sunday School in the Baptist Church; and

WHEREAS, he served his State as a member of the House of Representatives in 1931 and State Senator during 1929, 1937, 1941 and 1945; and

WHEREAS, the Senate recognized his leadership by naming him President Pro Tempore of the Senate; and

WHEREAS, he was married to Ruth Gee of South Hill, Virginia, on June 7, 1922;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Archibald Cree Gay the State of North Carolina and the County of Northampton has lost a most able, useful and loyal citizen.

Sec. 2. That the General Assembly does hereby express its sincere appreciation and gratitude for the life and services of Archibald Cree Gay as a citizen and public servant of North Carolina.

Sec. 3. That the General Assembly extends its deepest sympathy to the family of Archibald Cree Gay for the loss of its distinguished member.

Sec. 4. That this Resolution shall become a part of the public records of this Session of the General Assembly and a copy shall be certified by the Secretary of State and transmitted to the family of Archibald Cree Gay.

Sec. 5. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 13th day of January, 1966.

S. R. 12 RESOLUTION 3

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HERBERT COVINGTON BONNER, UNITED STATES REPRESENTATIVE.

WHEREAS, Herbert Covington Bonner was born in Washington, North Carolina, to Macon Herbert and Hannah Selby Hare Bonner; and

WHEREAS, he attended public and private schools in Washington and Warrenton, North Carolina; and

WHEREAS, he served in World War I as a member of the 81st Division, and attended officers' school in Longres, France; and

WHEREAS, he participated in numerous activities contributing to the growth, improvement and welfare of his county, State and nation; and

WHEREAS, he rendered outstanding service to his State and nation in the United States Congress as Representative from the First Congressional District and served continuously from November, 1940, until his recent death; and

WHEREAS, the General Assembly wishes to record its appreciation of the life of Herbert Covington Bonner, and to express its sympathy to his family;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of Herbert Covington Bonner, the State of North Carolina has lost one of its most able, loyal and useful citizens.

Sec. 2. That the General Assembly does hereby express its appreciation and gratitude for the life and career of Herbert C. Bonner.

Sec. 3. The General Assembly extends its deep and sincere sympathy to the family of Herbert Covington Bonner in the loss of its distinguished member.

Sec. 4. That this Resolution shall become a part of the public records of this Session of the General Assembly and a copy shall be duly certified by the Secretary of State and transmitted to the family of Herbert Covington Bonner.

Sec. 5. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

H. R. 16

RESOLUTION 4

A JOINT RESOLUTION BY THE EXTRA SESSION OF THE GENERAL ASSEMBLY OF 1966 PROVIDING FOR ADJOURNMENT ON FRIDAY JANUARY 14, 1966.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That both the House of Representatives and the Senate constituting the Extra Session of the General Assembly of 1966, do adjourn sine die on Friday, January 14, 1966, at 12:45 P. M.

Sec. 2. That this Resolution shall be in force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of January, 1966.

Session Laws and Resolutions

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GENERAL ASSEMBLY

REGULAR SESSION, 1967

SENATE OFFICERS

NAME	POSITION	ADDRESS
ROBERT W. SCOTT	President	Rt. 1, Haw River
HERMAN A. MOORE	President pro tem	Charlotte
S. RAY BYERLY	Principal Clerk	Sanford
EUGENE SIMMONS	Reading Clerk	Tarboro
BROOKS W. POOLE	Sergeant-at-Arms	Raleigh

SENATORS

DISTRICT	NAME	COUNTY	ADDRESS
1	J. J. HARRINGTON	Bertie	Lewiston
1	GEORGE M. WOOD	Camden	Camden
2	ASHLEY B. FUTRELL	Beaufort	Washington
3	SAM L. WHITEHURST	Craven	New Bern
4	JULIAN R. ALLSBROOK	Halifax	Roanoke Rapids
4	VINSON BRIDGERS	Edgecombe	Tarboro
5	THOMAS J. WHITE	Lenoir	Kinston
6	ALBERT J. ELLIS	Onslow	Jacksonville
7	WILLS HANCOCK	Granville	Oxford
8	DALLAS L. ALFORD, JR.	Nash	Rocky Mount
8	JESSE H. AUSTIN, JR.	Johnston	Clayton
9	LINDSAY C. WARREN, JR.	Wayne	Goldsboro
10	JOHN J. BURNEY, JR.	New Hanover	Wilmington
10	LEROY G. SIMMONS	Duplin	Rt. 1, Albertson
11	CLAUDE CURRIE	Durham	Durham
11	DON S. MATHESON	Orange	Hillsborough
12	J. RUFFIN BAILEY	Wake	Raleigh
12	JYLES J. COGGINS	Wake	Raleigh
13	ROBERT B. MORGAN	Harnett	Lillington
14	JOHN T. HENLEY	Cumberland	Hope Mills
14	N. HECTOR MCGEACHY, JR.	Cumberland	Fayetteville
15	JAMES C. GREEN	Bladen	Clarkton
16	FRANK R. PENN	Rockingham	Reidsville
17	RALPH H. SCOTT	Alamance	Rt. 1, Haw River
18	ED KEMP	Guilford	High Point
18	L. P. MCLENDON, JR.	Guilford	Greensboro
18	JOHN L. OSTEEN (R)	Guilford	Greensboro
19	J. F. ALLEN	Montgomery	Biscoe
19	VOIT GILMORE	Moore	Southern Pines
20	HECTOR MACLEAN	Robeson	Lumberton
21	WORTH GENTRY	Stokes	King
22	HARRY BAGNAL (R)	Forsyth	Rt. 1, Winston-Salem
22	MRS. GERALDINE R. NIELSON (R)	Forsyth	Winston-Salem
23	C. U. PARRISH (R)	Rowan	Salisbury
24	JOHN R. BOGER, JR.	Cabarrus	Concord
24	C. FRANK GRIFFIN	Union	Monroe
25	T. R. BRYAN, SR. (R)	Wilkes	Wilkesboro
26	C. V. HENKEL	Iredell	Turnersburg
26	ADRIAN L. SHUFORD, JR.	Catawba	Conover
27	MRS. MARTHA W. EVANS	Mecklenburg	Charlotte
27	CHARLES K. MAXWELL	Mecklenburg	Rt. 1, Huntersville
27	HERMAN A. MOORE	Mecklenburg	Charlotte
28	JOE K. BYRD	Burke	Morganton
29	MARSHALL A. RAUCH	Gaston	Gastonia
29	JACK H. WHITE	Cleveland	Kings Mountain
30	CLYDE M. NORTON	McDowell	Old Fort
31	BRUCE B. BRIGGS (R)	Buncombe	Asheville
31	R. THEODORE DENT (R)	Mitchell	Spruce Pine
32	HARRY E. BUCHANAN	Henderson	Hendersonville
33	MRS. MARY FAYE BRUMBY	Cherokee	Murphy

OFFICIAL REGISTER

REGULAR SESSION

HOUSE OFFICERS

NAME	POSITION	ADDRESS
*DAVID M. BRITT	Speaker	Fairmont
MRS. ANNIE E. COOPER	Principal Clerk	Raleigh
SAM J. BURROW, JR.	Reading Clerk	Asheboro
ARCHIE T. LANE, SR.	Sergeant-at-Arms	Hertford

*Resigned July 6, 1967. Succeeded by Earl W. Vaughn.

REPRESENTATIVES

DISTRICT	NAME	COUNTY	ADDRESS
1	W. T. CULPEPPER, JR.	Pasquotank	Elizabeth City
1	PHILIP P. GODWIN	Gates	Gatesville
2	ARCHIE BURRUS	Dare	Manteo
2	WILLIAM R. ROBERSON, JR.	Beaufort	Washington
3	R. C. GODWIN	Craven	New Bern
3	JAMES R. SUGG	Craven	New Bern
3	NELSON W. TAYLOR	Carteret	Morehead City
4	WILLIAM D. MILLS	Onslow	Rt. 1, Maysville
4	J. F. MOHN	Onslow	Richlands
4	HUGH A. RAGSDALE	Onslow	Richlands
5	GEORGE T. CLARK, JR. (R)	New Hanover	Wilmington
5	WILLIAM L. HILL, II	New Hanover	Wilmington
6	EMMETT W. BURDEN	Bertie	Aulander
6	ROBERTS H. JERNIGAN, JR.	Hertford	Ahoskie
7	J. A. EVERETT	Martin	Palmyra
7	THORNE GREGORY	Halifax	Scotland Neck
8	W. A. (RED) FORBES	Pitt	Winterville
8	H. HORTON ROUNTREE	Pitt	Greenville
9	GUY ELLIOTT	Lenoir	Kinston
9	I. JOSEPH HORTON	Greene	Snow Hill
10	MRS. JOHN B. CHASE	Wayne	Eureka
10	THOMAS E. STRICKLAND	Wayne	Rt. 2, Goldsboro
11	HUGH S. JOHNSON, JR.	Duplin	Rose Hill
12	CHATHAM C. CLARK	Bladen	Elizabethtown
12	C. GRAHAM TART	Sampson	Clinton
13	CLYDE M. COLLIER	Columbus	Rt. 1, Hallsboro
13	ODELL WILLIAMSON	Brunswick	Shallotte
14	ALLEN C. BARBEE	Nash	Spring Hope
14	JOE E. EAGLES	Edgecombe	Macclesfield
14	JULIAN B. FENNER	Nash	Rocky Mount
15	WILLIAM R. BRITT	Johnston	Smithfield
15	J. ERNEST PASCHALL	Wilson	Wilson
15	BARNEY PAUL WOODARD	Johnston	Princeton
16	JOHN T. CHURCH	Vance	Henderson
16	JAMES D. SPEED	Franklin	Rt. 3, Louisburg
17	JNO. O. GUNN	Caswell	Yanceyville
17	JAMES E. RAMSEY	Person	Roxboro
18	W. HANCE HOFLER	Durham	Durham
18	WADE H. PENNY, JR.	Durham	Durham
18	KENNETH C. ROYALL, JR.	Durham	Durham
19	THOMAS D. BUNN	Wake	Raleigh
19	SAMUEL H. JOHNSON	Wake	Raleigh
19	A. A. MCMILLAN	Wake	Raleigh
19	HOWARD TWIGGS	Wake	Raleigh
20	IKE F. ANDREWS	Chatham	Siler City
20	DONALD MCIVER STANFORD	Orange	Chapel Hill
21	JACK M. EULISS	Alamance	Burlington
21	M. GLENN PICKARD	Alamance	Burlington
22	JIMMY L. LOVE	Lee	Sanford
22	WILLIAM W. STATON	Lee	Sanford
23	NORWOOD E. BRYAN, JR.	Cumberland	Fayetteville
23	SNEED HIGH	Cumberland	Fayetteville
23	I. H. O'HANLON	Cumberland	Fayetteville
23	JOE B. RAYNOR, JR.	Cumberland	Fayetteville
24	*DAVID M. BRITT	Robeson	Fairmont
24	ROGER C. KISER	Scotland	Laurinburg
24	NEILL L. MCFADYEN	Hoke	Raeford
24	R. D. MCMILLAN, JR.	Robeson	Red Springs

*Resigned

REGULAR SESSION

REPRESENTATIVES (Cont'd.)

DISTRICT	NAME	COUNTY	ADDRESS
25	JULE MCMICHAEL	Rockingham	Reidsville
25	EARL W. VAUGHN	Rockingham	Draper
26	HARGROVE (SKIPPER) BOWLES, JR.	Guilford	Greensboro
26	ELTON EDWARDS	Guilford	Greensboro
26	*JAMES G. EXUM, JR.	Guilford	Greensboro
26	C. W. PHILLIPS	Guilford	Greensboro
26	W. MARCUS SHORT	Guilford	Greensboro
26	DANIEL P. WHITLEY, JR.	Guilford	High Point
27	COLON BLAKE (R)	Montgomery	Candor
27	C. ROBY GARNER, SR. (R)	Randolph	Asheboro
28	T. CLYDE AUMAN	Moore	West End
29	THOMAS B. HUNTER	Richmond	Rockingham
30	WESLEY BAILEY	Forsyth	Winston-Salem
30	CLAUDE M. HAMRICK	Forsyth	Winston-Salem
30	RONALD K. INGLE (R)	Forsyth	Winston-Salem
30	HOWARD A. JEMISON (R)	Forsyth	Rt. 8, Winston-Salem
30	E. M. MCKNIGHT (R)	Forsyth	Rt. 2, Clemmons
31	JOE H. HEGE, JR. (R)	Davidson	Lexington
31	WAYNE WHICKER (R)	Davidson	Rt. 5, Winston-Salem
32	CLYDE HAMPTON WHITLEY (R)	Stanly	Albemarle
33	RICHARD S. CLARK	Union	Monroe
33	FRED M. MILLS, JR.	Anson	Wadesboro
34	AUSTIN A. MITCHELL (R)	Rowan	Kannapolis
34	SAMUEL A. TROXELL (R)	Rowan	Rockwell
35	JAMES C. JOHNSON, JR. (R)	Cabarrus	Concord
35	DWIGHT W. QUINN	Cabarrus	Kannapolis
36	PHILIP JACKSON BAUGH	Mecklenburg	Charlotte
36	JAMES TULLY (JIM) BEATTY	Mecklenburg	Charlotte
36	RICHARD B. CALVERT (R)	Mecklenburg	Charlotte
36	JAMES H. CARSON, JR. (R)	Mecklenburg	Charlotte
36	G. PATRICK HUNTER	Mecklenburg	Charlotte
36	ARTHUR H. JONES	Mecklenburg	Charlotte
36	JAMES B. VOGLER	Mecklenburg	Charlotte
37	BASIL D. BARR	Ashe	West Jefferson
37	P. C. COLLINS, JR.	Alleghany	Laurel Springs
37	HUGH L. MERRITT	Surry	Mt. Airy
38	CLAUDE BILLINGS (R)	Wilkes	Rt. 1, Traphill
38	JETER L. HAYNES (R)	Yadkin	Jonesville
39	GILBERT LEE BOGER (R)	Davie	Rt. 3, Mocksville
39	HOMER B. TOLBERT (R)	Iredell	Rt. 2, Cleveland
40	LOYD A. MULLINAX	Catawba	Newton
40	J. REID POOVEY (R)	Catawba	Hickory
41	DAVID W. BUMGARDNER, JR.	Gaston	Belmont
41	H. MAX CRAIG, JR. (R)	Gaston	Stanley
41	CLARENCE E. LEATHERMAN	Lincoln	Lincolnton
41	CARL J. STEWART, JR.	Gaston	Gastonia
42	*SAM J. ERVIN, III	Burke	Morganton
42	DONALD R. KINCAID (R)	Caldwell	RFD, Lenoir
42	EARL H. TATE	Caldwell	Lenoir
43	ROBERT Z. FALLS	Cleveland	Shelby
43	WILLIAM D HARRILL	Rutherford	Forest City
43	W. K. MAUNEY, JR.	Cleveland	Kings Mountain
44	MACK S. ISAAC (R)	Avery	Newland
45	GORDON H. GREENWOOD	Buncombe	Black Mountain
45	HERSCHEL S. HARKINS	Buncombe	Asheville
45	C. EDLEY HUTCHINS (R)	Buncombe	Rt. 1, Black Mountain
45	DAVID D. JORDAN (R)	Buncombe	Asheville
46	DON H. GARREN (R)	Henderson	Hendersonville
47	ERNEST B. MESSER	Haywood	Canton
47	LISTON B. RAMSEY	Madison	Marshall
48	CHARLES H. TAYLOR (R)	Transylvania	Brevard
49	WILEY A. MCGLAMERY	Clay	Hayesville

*Resigned

ENROLLING AND INDEXING DEPARTMENT

NAME	POSITION	ADDRESS
CHARLES A. HOSTETLER	Enrolling Clerk	Raeford
JAMES H. WALKER	Indexer of Laws	Raleigh

SESSION LAWS

OF THE

STATE OF NORTH CAROLINA

REGULAR SESSION 1967

H. B. 25

CHAPTER 1

AN ACT RELATING TO TEMPORARY COURTHOUSE QUARTERS FOR WAKE COUNTY PENDING THE CONSTRUCTION OF A NEW COURTHOUSE.

WHEREAS, the Board of County Commissioners of Wake County proposes to construct a new courthouse and jail; and

WHEREAS, it will be necessary to demolish the existing courthouse in order to build the new courthouse on the same site; and

WHEREAS, this will necessitate securing temporary quarters for courthouse purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wake County is hereby authorized to secure by lease or otherwise and provide necessary temporary space for courthouse purposes and jail purposes pending the demolition of the present courthouse and the construction of a new courthouse and jail. Such quarters so provided may be designated by said Board of Commissioners as the Wake County Courthouse and the Wake County Jail, respectively, and the said board shall cause a bulletin board to be placed in a lobby or room in such temporary courthouse quarters and to designate the same as the Wake County Courthouse bulletin board. Wherever any statute or court order permits or requires that any legal notice, document, map or other paper or process posted at the courthouse door or on the courthouse bulletin board, it shall be deemed a full compliance with the law to post the same on the temporary courthouse bulletin board herein above provided for. Whenever any sale is required to be held at the court house or courthouse door or courthouse steps, it shall be deemed a full compliance with the law to perform such act at such door of or other place in the temporary courthouse quarters or the building where the courthouse quarters are located, as the Board of County Commissioners shall designate. It shall be lawful to hold in courtrooms provided in same temporary courthouse quarters all sessions of court and any and all other hearings which are required to be held at the county courthouse. Such temporary courthouse quarters as the Board of County Commissioners may designate shall, for all purposes of law, constitute the Wake County Courthouse. The quarters so designated are not required to be located in a single building but may be located in one or more buildings.

Sec. 2. The powers herein granted shall continue in full force until the new courthouse is constructed, accepted by the county, and occupied by the various county officials, offices and agencies.

Sec. 3. Any act herein authorized which has been done before this Act becomes effective is hereby ratified and validated and shall have the same legal effect as if done after the effective date of this Act.

Sec. 4. This Act shall apply only to Wake County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of February, 1967.

H. B. 54 CHAPTER 2

AN ACT TO POSTPONE THE ELECTION OF THE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION UNTIL THE FIRST TUESDAY IN APRIL, 1968.

The General Assembly of North Carolina do enact:

Section 1. That the election of the members of the Moore County Board of Education, to be held on the first Tuesday in April, 1967, as provided in Section 3(c) of Chapter 1051 of the Session Laws of 1965, is hereby continued and postponed until the first Tuesday in April, 1968. On the first Tuesday in April, 1968, the election of the members of the Moore County Board of Education shall be held and conducted as provided in Section 3 of Chapter 1051 of the Session Laws of 1965, and until said election the terms of office of the present members of the Moore County Board of Education are hereby continued and extended until the results of said election held on the first Tuesday in April, 1968.

Sec. 2. Amend Section 3(c) of Chapter 1051 of the Session Laws of 1965, by striking out the digits or date of "1967", as the same appear in the first line of said subsection (c), and by inserting in lieu thereof: "1968". Further amend said subsection (c) of Section 3 of Chapter 1051 of the Session Laws of 1965, by striking out the arithmetical digits "1967", as the same appear in the sixth line of said subsection (c), and by inserting in lieu thereof the following "1968". Further amend said subsection (c) of Section 3 of Chapter 1051 of the Session Laws of 1965, by striking out the arithmetical digits "1967", as the same appear in the eleventh line of said subsection (c), and by inserting in lieu thereof the following "1968". Further amend subsection (c) of Section 3 of Chapter 1051 of the Session Laws of 1965, by striking out the arithmetical digits "1967", appearing in the fifteenth line of said subsection (c), and by inserting in lieu thereof the following: "1968".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1967.

S. B. 7 **CHAPTER 3**

AN ACT RELATING TO ELECTIONS IN THE CITY OF JACKSONVILLE IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 540 of the Session Laws of 1953, as amended by Section 2 of Chapter 145 of the Session Laws of 1959, is hereby rewritten to read as follows:

"Section 1. At the general election to be held in the City of Jacksonville on the first Tuesday following the first Monday in May, 1967, and biennially thereafter, there shall be elected a mayor and four councilmen, all of whom shall be elected by the electors of the city at large. The four candidates receiving the highest number of votes for the offices of councilmen shall be declared elected as councilmen, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected mayor. The mayor and councilmen elected at the May, 1967 election, and biennially thereafter, shall serve for terms of two years each and until their successors are elected and qualified. In the event of a vacancy in the office of mayor caused by resignation, death or otherwise, such vacancy shall be filled by the city council for the unexpired term.

"Any person, desiring to become a candidate for election as a mayor or councilman shall file, not later than 5:00 o'clock p.m. 30 days prior to any municipal election, a statement with the city clerk in substantially the following form:

'I, ..., hereby give notice that I reside in the City of Jacksonville, North Carolina, and am a registered voter in said city; that I am a candidate for election to the office of ....., to be voted upon at the general election to be held on the ..... day of ....., 19....., and request that my name be placed on the official ballot for election to such office.

.....

(Witness)

.....

"At the time of filing his notice of candidacy, the candidate shall pay to the city clerk, to be turned over to the city treasurer, the sum of fifteen dollars ($15.00) for councilman and twenty dollars ($20.00) for mayor to be credited to the general fund of the city.

"At the election to be held in May, 1967, and biennially thereafter, those electors voting in said election shall vote for the total number of councilmen to be elected, and the failure of any elector to do so shall void his or her ballot and the same shall not be counted.

"Vacancies occurring on the council by reason of resignation, death or otherwise, shall be filled by the mayor and city council. In the event of a tie vote in filling a vacancy in the office of mayor or a city councilman, the candidate selected shall be determined by lot."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

S. B. 12 CHAPTER 4

AN ACT AMENDING G. S. 130-151 RELATING TO THE DISSOLUTION OF CERTAIN SANITARY DISTRICTS AND RELATING TO PUBLIC HEALTH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-151, as the same appears in the 1964 Replacement Volume 3B of the General Statutes, is hereby amended by substituting a comma for the period at the end thereof and adding the following:

"and the Sanitary District Board of said District shall be authorized to convey all assets, including cash, to any county, municipality, or other governmental unit, or to any public utility company operating or to be operated under the authority of a Certificate of Public Convenience and Necessity granted by the North Carolina Utilities Commission in return for the assumption of the obligation to provide water and sewage services to the area served by the District at the time of dissolution."

Sec. 2. The provisions of this Act shall apply to all dissolutions of Sanitary Districts under the provisions of Section 130-151 of the General Statutes of North Carolina in which the Petition for Dissolution is filed after the date of ratification of this Act, and also to the dissolution of Sanitary Districts under Section 130-151 of the General Statutes of North Carolina in which the Petition for Dissolution was filed and the joint public hearing held prior to the date of ratification of Act if the said Petition set forth that the assets of a District being dissolved were to be conveyed to a public utility company operating or to be operated under a Certificate of Public Convenience and Necessity granted by the North Carolina Utilities Commission.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

S. B. 17 CHAPTER 5

AN ACT TO REVISE THE CORPORATE LIMITS OF THE TOWN OF CONOVER IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The corporate area of the Town of Conover in Catawba County is hereby changed by excluding from the area in the corporate limits the following described area:

"BEGINNING at an iron pin corner of the corporate limits of the Town of Conover, the same being in the center line of the main line of the Southern Railroad as it runs South from the Town of Conover to the City of Newton, and said Beginning point also being located as follows:

North 6 degrees 25 minutes East 347.87 feet from an iron pin corner in the center line of the main line of the Southern Railroad where it intersects with the southern most corner of the corporate limits of the Town of Conover; and running thence from said Beginning point South 86 degrees 28 minutes West 221.75 feet to an iron pin, an old southwest corner of Pittman and now a southwest corner of the J. Kenneth Hedrick and wife, Doris C. Hedrick property, and also now a corner of the corporate limits of the Town of Conover; thence North 2 degrees 31 minutes West 100 feet to an iron pin, old northwest corner of Pittman and now northwest corner of Hedrick and wife, and a corner of the corporate limits of the Town of Conover; thence North 86 degrees 26 minutes East 214.94 feet to an iron pin in the center line of the main line of the Southern Railroad, a corner of the corporate limits of the Town of Conover; thence with the center line of the main line of the Southern Railroad, South 6 degrees 25 minutes West 100 feet to the point of Beginning."

The above calls are in accordance with a plat entitled "Town of Conover, Annexation by Petitions Boundary Map" by P. L. Abernethy, Registered Engineer, dated July 1965, to which plat reference is made for additional description. For partial chain of title see Book 620 at Page 318 and Book 490 at Page 199 of the Catawba County Registry.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

H. B. 24 CHAPTER 6

AN ACT TO AMEND CHAPTER 1073, SESSION LAWS OF 1959, RELATING TO THE ISSUANCE OF PISTOL PERMITS, SO AS TO MAKE THE SAME APPLICABLE TO PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073, Session Laws of 1959, is hereby amended by striking out the word "Pamlico" in line 5 thereof. The intent of this Act is to make Article 53 of Chapter 14 of the General Statutes, as the same appears in the 1965 Cumulative Supplement to the 1953 Recompiled Volume 1B of the General Statutes, applicable to Pamlico County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

S. B. 16 **CHAPTER 7**

AN ACT TO AMEND G. S. 153-6 RELATING TO FILLING VACANCIES ON THE BOARD OF COUNTY COMMISSIONERS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6 is hereby amended by striking the period at the end of the Section, substituting therefor a semicolon, and adding the following words:

"And provided further that in Cherokee County the County Executive Committee of the political party to which the commissioner causing the vacancy belonged shall appoint a person from that political party to fill the vacancy for the unexpired term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

S. B. 29 **CHAPTER 8**

AN ACT TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO REFLECTORIZE VEHICLE LICENSE PLATES FOR 1968 AND FUTURE YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Department of Motor Vehicles is hereby authorized to cause vehicle license plates for 1968 and future years to be completely treated with reflectorized materials designed to increase visibility and legibility of license plates at night.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

H. B. 83 **CHAPTER 9**

AN ACT TO AMEND CHAPTER 1107, SESSION LAWS OF 1965, RELATING TO THE CREATION OF RECREATION DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of Section 9, Chapter 1107, Session Laws of 1965, is amended by striking therefrom the words "six months" and inserting the words "three months" in lieu thereof.

Sec. 2. Section 14 of Chapter 1107, Session Laws of 1965, is amended by adding at the end thereof the following sentence:

"This Act shall be construed so as to permit the presentation of a petition and the holding of a special election called pursuant thereto on the issue of creating a recreation district and the levy of an annual tax as described in Section 2, subsection (a) and (c), above, without including in said petition any provision or request for the issuance of Recreational Facilities Bonds, and shall further be construed to permit the holding of an election without submitting any questions relating to the issuance of Recreational Facilities Bonds."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

H. B. 84

CHAPTER 10

AN ACT TO AMEND CHAPTER 87, SESSION LAWS OF 1961, BEING THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Chapel Hill, as it appears in Chapter 87, Session Laws of 1961, is hereby amended by adding a new sentence at the end of Section 3.01 under subchapter A of Chapter III, to read as follows:

"The Board of Aldermen shall constitute the legislative body of the municipality."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

H. B. 88

CHAPTER 11

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Nash, Chatham, Orange and Guilford Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

H. B. 40 **CHAPTER 12**

AN ACT TO INCORPORATE THE TOWN OF ERWIN IN HARNETT COUNTY SUBJECT TO AN ELECTION.

The General Assembly of North Carolina do enact:

Section 1. (a) The Board of Elections of Harnett County shall conduct a special election on Tuesday, April 4, 1967 for the purpose of submitting to the qualified voters of the area hereinafter described as the proposed corporate limits of the Town of Erwin the question whether or not such area shall be incorporated as the Town of Erwin, as provided in this Act. On such day, the polls shall be open from 6:30 A. M. until 6:30 P. M. Except as otherwise provided in this Section, such special election shall be conducted in accordance with the provisions of law applicable to county elections.

(b) A new registration of all qualified voters in the described area shall be conducted for the purpose of registering the names of those who desire to vote in such special election, and in the first election of Town officials in the event the special election results in incorporation. The registration book for such new registration shall be open from Friday, March 17, 1967 through Friday, March 24, 1967, excluding Sunday, and shall remain open on each day from 9:00 A. M. until 5:00 P. M. On Saturday, March 18, 1967, the book shall be kept at the polling place. On other days during the registration period, it may be kept at the registrar's home or place of business, or at the polling place, as designated in the notice hereinafter required. Saturday, March 25, 1967 shall be challenge day.

(c) The Harnett County Board of Elections shall, not later than Wednesday, March 1, 1967, appoint a registrar and two judges of election, and designate a polling place for the special election.

(d) Not later than Friday, March 3, 1967, the Harnett County Board of Elections shall cause to be posted at the Erwin Post Office, at the Erwin Fire Station, and at such other public places as the Board may choose, a notice stating the time, the polling place, and the purpose of the special election; the names of the registrar and judges of election; the dates, hours, and place or places of registration; the date, time, and place for challenges; that the registration is a complete new registration for the special election and for election of Town officers if the special election results in incorporation; that, subject to a favorable vote upon the question of incorporation, the election of Town officers will be conducted on Tuesday, May 2, 1967; and that, subject to a favorable vote upon the question of incorporation, candidates for election to Town offices on May 2, 1967, must file with the Board notice of candidacy not earlier than Wednesday, April 5, 1967, and not later than 5:00 P. M. on Friday, April 14, 1967. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Erwin community.

(e) In the special election, those voters who favor the incorporation of the Town of Erwin as provided in this Act shall vote a ballot upon which shall be printed the words: "FOR Incorporation of Town of Erwin", and those voters who are opposed to the incorporation of the Town of

Erwin as provided in this Act shall vote a ballot upon which shall be printed the words "AGAINST Incorporation of Town of Erwin".

Sec. 2. If a majority of the votes cast in such special election shall be cast "AGAINST Incorporation of Town of Erwin", then Sections 3 through 8 of this Act shall have no force and effect.

Sec. 3. If a majority of the votes cast in such special election shall be cast "FOR Incorporation of Town of Erwin", then Section 4 of this Act shall be in full force and effect from and after April 4, 1967, and Sections 5 through 8 of this Act shall be in full force and effect from and after May 2, 1967.

Sec. 4. (a) The Board of Elections of Harnett County shall, on Tuesday, May 2, 1967, conduct an election for the purpose of electing a Mayor and five Commissioners for the Town of Erwin. Such election shall be conducted within the area hereinafter described as the corporate limits of the Town of Erwin. On election day, the polls shall be open from 6:30 A. M. until 6:30 P. M. except as otherwise provided in this Section, such election shall be conducted in accordance with the provisions of law applicable to county elections.

(b) The registration book used for the special election on the question of incorporation shall be used for the election of officers for the Town, and no new registration shall be necessary; provided, however, that the registration book shall be open between the hours of 9:00 A. M. and 5:00 P. M. from Friday, April 14, 1967 through Friday, April 21, 1967, excluding Sunday, for the purpose of registering any qualified voters who are not then registered. On Saturday, April 15, 1967, the book shall be kept at the polling place. On other days during the registration period, it may be kept at the registrar's home or place of business, or at the polling place, as designated in the notice hereinafter required. Saturday, April 22, 1967, shall be challenge day.

(c) The registrar and judges of election, the polling place, and the place or places of registration for the election of Town officers shall be the same as those for the special election on the question of incorporation.

(d) Any qualified voter who would offer himself as a candidate for Mayor or Commissioner in such election shall file with the Chairman or Clerk of the Board of Elections of Harnett County a written statement giving notice of his candidacy. Such notice shall be filed not earlier than Wednesday, April 5, 1967 and not later than 5:00 P. M. on Friday, April 14, 1967, and shall be substantially in the following form: 'I,.....,
do hereby give notice that I am a candidate for election to the office of
....., Town of Erwin, to be voted on at the election to be held on May 2, 1967, and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Erwin, residing at .....

(Signature)

.....

(Date)

.....

Witness:.....'

(e) Not later than Friday, April 7, 1967, the Harnett County Board of Elections shall cause to be posted at the Erwin Post Office, at the Erwin Fire Station, and at such other public places as the Board may choose, a notice stating the time, the polling place, and the purpose of said election; the names of the registrar and judges of election; the dates, hours, and place or places of registration; the date and time for challenges; that electors who registered for the special election on the question of incorporation of the Town of Erwin need not register again for the election of Town officers; and that candidates for election to Town offices in said election must file with the Board notice of candidacy not later than 5:00 P. M. on Friday, April 14, 1967. The Board of Elections may, in its discretion, also cause such notice to be published one or more times in a newspaper having general circulation in the Erwin community.

(f) In such election, each qualified registered voter shall be entitled to vote for one candidate for Mayor and for five candidates for Commissioner. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years or until his successor is elected and qualifies. The three candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall be declared elected for terms of four years or until their successors are elected and qualify, and the two candidates for Commissioner who receive the next largest numbers of votes cast for Commissioner shall be declared elected for terms of two years or until their successors are elected and qualify. In case of a tie between opposing candidates, the Board of Elections shall determine the result by lot.

(g) The Chairman of the Board of Elections shall notify the persons elected as Mayor and Commissioners, and shall designate some qualified officer to administer to them the oath of office, which shall be done as soon as practicable following their election.

Sec. 5. The following provisions of law shall constitute the Charter of the Town of Erwin, in Harnett County:

"THE CHARTER OF THE TOWN OF ERWIN

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The inhabitants of the area described in Section 2.1 of this Charter shall be and constitute a body politic and corporate under the name of the 'Town of Erwin', and shall be vested with all property which may be acquired by the Town, and all rights herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees,

shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Erwin shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Corporate Boundaries.

(a) For the purposes of conducting the special election on the question of incorporation and for conducting the first election of Town officers should the special election result in incorporation, the corporate boundaries of the Town of Erwin shall be as follows until changed in accordance with subsection (b) of this Section or in accordance with other law:

Beginning at a point on the South margin of West "E" Street as shown on plat of Erwin subdivision said point being 400 feet West of the western margin of S-18th Street and runs in a northerly direction crossing West "E" Street 60 feet to a property line corner between Lots "E" and "F" as shown on Map 3 of Erwin Mills Property; thence along the line between said lots North 3 degrees 04 minutes East to West "F" Street extended a distance of 299.60 feet; then crossing said street on the same course 60 feet to a corner between lot "B" and tract No. 23 shown on Map No. 3; thence along a line between Lots "A" and "B" and tract No. 23 South 3 degrees 04 minutes West about 320 feet plus minus to the corner of lot "B", and tract 22, 23, 24, shown on Map No. 3; thence North 0 degrees 41 minutes West 791.4 feet to a corner of tract No. 21 in the line of tract No. 24; thence the same course North 0 degrees 41 minutes West, 639.10 feet to a corner between tracts 20, 21, as shown on Map No. 3; thence as the line between tracts 20 and 21 North 49 degrees 17 minutes East 509.40 feet to a stone in the West margin of the Old Dunn and Lillington Road; thence crossing said road 60 feet to a corner on the East margin of said road and then along the property line of tract No. 18 as shown on subdivision Map No. 2 of the Erwin Mills Property North 51 degrees 09 minutes East 400.28 feet to a corner; thence along another line of tract No. 18 South 86 degrees 59 minutes East 683.25 feet to a corner; thence along another line of tract No. 18 North 3 degrees 01 minutes East 1165.00 feet to a corner in a farm road; thence along said farm road a line between tracts Nos. 16 and 17, North 74 degrees 14 minutes East 825.50 feet to a corner in said road, the corner between tracts Nos. 16 and 17, Map No. 2; thence a straight line following the old farm road as near as possible running in an easterly direction to US 421 and NC 55 Highways and crossing said highways on same course to a

point 300 feet at right angle to the dual lane US 421 and NC 55 Highways right of way on the northeast side to a corner; thence a line parallel to said highway and 300 feet northeast from said right of way to a corner in the East side of the Carolina Power and Light Company steel tower transmission power line right of way, said point being 300 feet northeast at right angle to the right of the dual lane highway US 421 and NC 55 and this point is also southeast of the Old Field Church Road near Zola's Barbecue; thence a line along the East margin of said power line and re-crossing the dual lane highway US 421 and NC 55 and following its various courses to a point where said power line crosses the southern margin of McKay Street shown on Map "D" of the subdivision of Erwin Mills property; thence along the southern margin of said McKay Street to a point 300 feet East of SR No. 1741; thence parallel with said road southwest to a point that is 1320 feet southwest of the southern margin of the Old Post Road SR No. 1746; thence along a line 1320 feet southeast of the southern margin of Old Post Road SR No. 1746 and parallel to same to a corner that is located in line with a ditch at a distance of 3500 feet plus minus the corner; thence a line along said ditch in a northwestern direction to the center line of the intersection of Old Post Road SR No. 1746 and Highway No. 217; thence along the center line of Old Post Road and SR No. 1746 extended to and around the Cates Property and intersecting a line parallel and 300 feet South of the southern margin of "A" Street; thence 300 feet South and parallel to said "A" Street's southern margin to a point that intersects with the western margin of S-18th Street; thence along the western margin of South 18th Street to the southern margin of West "E" Street; thence along the southern margin of West "E" Street 400 feet to the beginning.

(b) As soon as practicable following their election, the Board of Commissioners of the Town of Erwin shall cause to be made an accurate survey of the corporate boundaries and shall cause to be made an accurate map based upon such survey. Such survey may vary from the description in subsection (a) of this Section by using, wherever practical, natural or man-made topographic features such as ridge lines, streams, creeks, or streets as boundaries or as references to boundaries. After such survey and map is completed, and after the Board of Commissioners of the Town of Erwin finds and declares upon its minutes that the boundaries shown on such map do not vary to an unreasonable degree from the description in subsection (a) of this Section, they shall cause accurate copies of such map to be filed in the office of the register of deeds of Harnett County and in the office of the Secretary of State of North Carolina. From and after the time a copy of such map is filed in the office of the register of deeds of Harnett County, the corporate boundaries as shown thereon shall be the corporate boundaries of the Town of Erwin until changed in accordance with law. An accurate copy of such map shall also be maintained in the Town offices.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the

manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of five members to be elected by and from the qualified voters of the Town voting at large in the manner provided by Article IV.

"Section 3.3. Terms; Qualifications; Vacancies.

"(a) Except for the initial terms of office hereinbefore specified, the Mayor and the members of the Board of Commissioners shall serve for terms of four years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners, or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

"(c) If any elected Mayor or commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or commissioner so appointed shall have the same authority and powers as if regularly elected.

"Section 3.4. Compensation of Mayor and Commissioners. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, but not less than three hundred dollars ($300.00) per annum, and no reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Commissioners may establish a salary of not less than one hundred twenty dollars ($120.00) per annum for its members. Such salary may be increased or reduced, but no reduction shall be made to take effect as to any commissioner during the respective term of office which he is serving at the time the increase is voted.

"Section 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: 'I,....., do solemnly swear (or affirm) that I will support and defend the Constitution of the United

States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

"Section 3.6. Meetings of Board.

"(a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the Board of Commissioners shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.7. Quorum; Votes.

"(a) A majority of the members elected to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Board of Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Erwin.' All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein, or unless some provision of the General Statutes provides otherwise.

"ARTICLE IV. ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. Following the initial election hereinbefore provided for, regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, beginning in 1969. In the regular 1969 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large two commissioners to serve for terms of four years, or until their successors are elected and qualify. In the regular 1971 election and quadrennially thereafter, there shall be elected by the qualified voters of the Town voting at large a Mayor and three commissioners to serve for terms of four years, or until their successors are elected and qualify.

"Section 4.2. Voting. In the regular 1969 election and quadrennially thereafter, each voter shall be entitled to vote for two candidates for commissioner, and the two candidates for commissioner who receive the

largest numbers of votes cast for commissioner shall be declared elected. In the regular 1971 election and quadrennially thereafter, each voter shall be entitled to vote for one candidate for Mayor and for three candidates for commissioner, and the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected and the three candidates who receive the largest numbers of votes cast for commissioner shall be declared elected. In case of a tie between opposing candidates, the election officials shall determine the result by lot.

"Section 4.3. Marking of Ballots. In all regular municipal elections, each voter shall cast his vote for as many candidates as there are offices to be filled, and where an elector marks a ballot for any number of candidates less than the number of offices to be filled, such ballot shall not be counted for any of the candidates. There shall be printed on all ballots for commissioner the number of candidates to be voted for.

"Section 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than the eighth Friday nor later than five o'clock p. m. on the third Friday prior to the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for election to the office of....., Town of Erwin, to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Erwin, residing at .....

(Signature)

.....

(Date)

.....

Witness:.....'

"Section 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes of North Carolina, except as otherwise herein provided.

"ARTICLE V. TOWN ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners shall appoint a Town Attorney who shall be an attorney at law licensed to engaged in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Commissioners, and other Town officials with respect to the affairs of the Town; to draw all legal documents relating to the affairs of the Town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts,

franchises and other instruments which with the Town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. Town Clerk. The Board of Commissioners shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Section 6.2. Town Tax Collector. The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate the functions of any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Board may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other positions as it deems advisable to insure the efficient administration of the Town's affairs, and may, in its discretion, appoint a person to supervise all Town departments and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.

"ARTICLE VII. FINANCE

"Section 7.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The Town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials, and equipment, and contracts for construction or repair work, shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the Town or of any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Commissioners.

"Section 7.5. Taxation. The territory within the corporate limits, and its citizens and property, shall be subject to municipal taxes levied by the Town for the fiscal year 1967-1968 and subsequent years. The Town may obtain from Harnett County, and the County shall provide upon request, a record of property within the corporate limits which was listed for taxation as of January 1, 1967.

"ARTICLE VIII. CLAIMS AGAINST THE TOWN

"Section 8.1. Tort Claims. All claims or demands against the Town arising in tort shall be presented to the Board of Commissioners in writing, signed by the claimant or his attorney or agent, within 90 days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within 30 days or after the expiration of 12 months from the time such claim or demand is presented. Unless the said claim or demand is so presented within 90 days, and unless suit is brought within 12 months thereafter, any action thereon shall be barred."

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification, subject to the provisions of Sections 1 through 3 hereof.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

H. B. 95 **CHAPTER 13**

AN ACT TO PERMIT ADVANCE FILING OF CORPORATE DOCUMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-4(b) is hereby rewritten to read as follows:

"(b) Any such document required to be filed shall be completely effective when endorsed by the Secretary of State as provided in subsection (a)(5) above and the transaction to be effectuated thereby shall thereupon be deemed to be completely consummated as if all the required recording had been perfected, provided, however, that in lieu of the time of such endorsement by the Secretary of State, such document may fix an hour, day, month and year not more than twenty days subsequent to the endorsement of the Secretary of State and the transaction shall be deemed to be completely consummated at the time fixed by such document as if all the required recording had been perfected. Unless otherwise provided in this Chapter with respect to some specific document, failure to deliver it for recording in the office of the Clerk of the Superior Court shall only subject the corporation to a penalty of one hundred dollars ($100.00) to be collected by the Secretary of State."

Sec. 2. G. S. 55A-4(b) is hereby rewritten to read as follows:

"(b) Any such document required to be filed shall be completely effective when endorsed by the Secretary of State as provided in subsection (a)(5) above and the transaction to be effectuated thereby shall thereupon be deemed to be completely consummated as if all the required recording had been perfected, provided, however, that in lieu of the time of such endorsement by the Secretary of State, such document may fix an hour, day, month and year not more than twenty days subsequent to the endorsement of the Secretary of State and the transaction shall be deemed to be completely consummated at the time fixed by such document as if all the required recording had been perfected. Unless otherwise provided in this Chapter with respect to some specific document, failure to deliver it for recording in the office of the Clerk of the Superior Court shall only subject the corporation to a penalty of one hundred dollars ($100.00) to be collected by the Secretary of State."

Sec. 3. G. S. 55-8 is hereby rewritten to read as follows:

"§ 55-8. Corporate Existence; Filing of Articles of Incorporation; Effect. The time when corporate existence begins is determined by the provisions of G. S. 55-4, and a copy of the Articles certified by the Secretary of State shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Chapter, except as against this State in a proceeding to annul or revoke the Articles of Incorporation."

Sec. 4. G. S. 55A-8 is hereby rewritten to read as follows:

"§ 55A-8. Corporate Existence; Filing of Articles of Incorporation; Effect. The time when corporate existence begins is determined by the provisions of G. S. 55A-4, and a copy of the Articles certified by the Secretary of State shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with

and that the corporation has been incorporated under this Chapter, except as against this State in a proceeding to annul or revoke the Articles of Incorporation."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

H. B. 10 CHAPTER 14

AN ACT TO AMEND CHAPTER 282, PRIVATE LAWS OF 1911, RELATING TO THE CHARTER OF THE TOWN OF LAKE WACCAMAW IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 282, Private Laws of 1911, is hereby amended by striking out all of said Section and inserting in lieu thereof the following:

"Sec. 4. That at the municipal election to be held in May, 1967, there shall be elected a mayor and four commissioners. The mayor so elected shall serve a term of two years, and his successor shall be elected at the municipal election in 1969, and biennially thereafter. Two commissioners shall at all times be elected from that portion of the town located West of the eastern boundary of that property known as the McRae Woods, extended due North to the town limits. The candidate from this portion of town who receives the highest number of votes shall be elected and shall serve a term of four years, and his successor shall be elected at the municipal election in 1971, and quadrennially thereafter. The candidate receiving the next highest number of votes shall be elected commissioner and shall serve a term of two years, and his successor shall be elected at the municipal election in 1969, and quadrennially thereafter. Two commissioners shall at all times be elected from that portion of the town located East of the eastern boundary of that property known as the McRae Woods, extended due North to the town limits; and the candidate from this portion of town who receives the highest number of votes shall be elected and shall serve a term of four years, and his successor shall be elected at the municipal election in 1971, and quadrennially thereafter; and the candidate receiving the next highest number of votes shall be elected and shall serve a term of two years, and his successor shall be elected at the municipal election in 1969, and quadrennially thereafter. If a vacancy occurs in the office of mayor for any cause, the mayor pro tem shall automatically become mayor and be sworn into office. In case of a vacancy after election in the office of commissioner for any cause, the remaining members of the Board of Commissioners shall appoint a qualified voter of the town to fill the vacancy until the next municipal election, at which time a commissioner shall be elected to fill the unexpired term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 21 CHAPTER 15

AN ACT TO AMEND GS 160-181.2, RELATING TO EXTRA-TERRITORIAL ZONING JURISDICTION, SO AS TO MAKE IT APPLICABLE TO THE CITY OF MOUNT HOLLY, IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. GS 160-181.2, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by changing the period, at the end of the last sentence of said Section, to a comma and by adding the following words: "or to the City of Mount Holly, in Gaston County, and this Section shall be applicable to the City of Mount Holly."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 35 CHAPTER 16

AN ACT TO AMEND THE MOTOR VEHICLE LAWS G. S. 20-16(c) TO REMOVE VIOLATIONS OF THE SAFETY EQUIPMENT INSPECTION REQUIREMENTS FROM THE OPERATOR'S LICENSE POINT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-16(c), as same appears in Volume 1C, 1965 Replacement Volume of the General Statutes, is hereby amended by adding at the end of line eight thereof immediately following the word "laws" the following sentence: "Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Department of Motor Vehicles as a basis for suspension or revocation of operator's or chauffeur's license:".

Sec. 2. G. S. 20-16(c), as same appears in Volume 1C, 1965 Replacement Volume of the General Statutes, is hereby amended by adding immediately after line 41, and as line 42 thereof the following words "failure to display current inspection certificate."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 42

CHAPTER 17

AN ACT TO AMEND G. S. 164-14 WITH REGARD TO TERMS OF MEMBERS OF THE GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-14 is hereby amended by adding at the end thereof the following subsection:

"(f) Notwithstanding the expiration of the term of the appointment, the terms of members of the General Statutes Commission shall continue until the appointment of a successor has been made and reported to the secretary of the Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 55

CHAPTER 18

AN ACT ESTABLISHING THE HISTORIC MURFREESBORO COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. The Historic Murfreesboro Commission is hereby established for the purpose of conducting research and planning and carrying out a program for the preservation of historic sites and buildings in and near the Town of Murfreesboro, in cooperation with local, State, or federal agencies or private organizations.

Sec. 2. The Historic Murfreesboro Commission shall consist of the following ex officio members: the Mayor of the Town of Murfreesboro, the President of Chowan College, the chairman of the Board of Commissioners of Hertford County, and the director of the State Department of Archives and History, or a deputy designated by each of the aforesaid ex officio members. In addition, the Commission shall include thirty members to be appointed by the Governor, six for a term of two years, six for a term of three years, six for a term of four years, and six for a term of five years, and as the terms of each group expire, their successors shall be appointed for full five-year terms. The Governor is authorized to fill any vacancies in the terms of the appointed members.

Sec. 3. The aforesaid Commission is authorized and empowered to acquire title to historic properties in and near the Town of Murfreesboro and to repair, restore, or otherwise improve such properties and to maintain them until the work of the Commission may be terminated.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 62

CHAPTER 19

AN ACT TO AMEND G. S. 48-21 (c) TO MAKE LESS RESTRICTIVE THE PROVISIONS FOR WAIVING AN INTERLOCUTORY DECREE OF ADOPTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-21 (c) as it appears in 1966 Replacement Volume 2A of the General Statutes is hereby amended by inserting a comma in line five thereof immediately after the word "grandniece", and by adding, immediately after the comma and immediately before the word "of", words and punctuation as follows:

"brother or sister, half brother or half sister,".

Sec. 2. G. S. 48-21 (c) as it appears in 1966 Replacement Volume 2A of the General Statutes is hereby further amended by deleting the word "sixteen" in line six thereof and by inserting the word "twelve" in the place of the word "sixteen".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 72

CHAPTER 20

AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS OF THE TOWN OF AULANDER FROM THREE TO FIVE, AND TO FIX THE COMPENSATION OF THE MAYOR AND COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 288 of the Public-Local Laws of 1939 is hereby amended as follows:

(a) Section 3 is amended by striking out the word "three" and substituting the word "five" in lieu thereof in line 1.

(b) Section 4 is amended by striking out the word "three" and substituting the word "five" in lieu thereof in line 2.

(c) Section 6 is amended by striking out the word "five" in lines 15 and 23 and substituting the word "ten" in each place in lieu thereof.

(d) Section 9 is amended by striking out the word and figure "three (3)" in next to the last line and substituting the word "four" in lieu thereof.

(e) Section 20 is hereby amended by striking out the word "three" and substituting the word "five" in lieu thereof in line 1.

Sec. 2. It is the intent and purpose of Section 1 of this Act to increase the membership of the Board of Commissioners of Aulander from three to five commencing with the regular municipal election to be held in Aulander in 1967, to the end that five town commissioners and a mayor shall be elected biennially hereafter, to take office on July 1 succeeding each biennial election.

Sec. 3. The salary of the mayor of the Town of Aulander is hereby fixed at one thousand dollars ($1,000.00) per year.

Sec. 4. The salary of the commissioners of the Town of Aulander is hereby fixed at twenty-five dollars ($25.00) per month each.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification; provided, however, the salary increases provided by Sections 3 and 4 of this Act shall not become effective until July 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 73 CHAPTER 21

AN ACT TO REPEAL CHAPTER 903 OF THE SESSION LAWS OF 1947, RELATING TO THE TOWN OF AULANDER IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 903 of the Session Laws of 1947 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 90 CHAPTER 22

AN ACT TO MAKE GS 160-181.2, RELATING TO EXTRATERRITORIAL ZONING JURISDICTION, APPLICABLE TO THE TOWN OF CHERRYVILLE IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. GS 160-181.2, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D, is hereby amended by adding at the end thereof the following:

"This Section shall be applicable to the Town of Cherryville, in Gaston County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

S. B. 55 **CHAPTER 23**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO REDEFINE THE WARDS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Sec. 3 of Chapter 468 of the Session Laws of North Carolina of 1955 is repealed and in lieu thereof the following Section is adopted:

"Sec. 3. That said Town shall be divided into eight wards, bounded as follows:

"The First Ward: Beginning at the point formed by the intersection of the center line of Main Street and the center line of the Atlantic Coast Line Railroad Norfolk Branch Main Track, thence in a westerly direction along the center line of said railroad to its intersection with the eastern right of way of Cedar Street, thence along the eastern line of Cedar Street in a northerly direction and with the Town Limits line and continuing with said Town Limits line to its intersection with the center line of Daniel Street, thence in a westerly direction along the center line of Daniel Street to its intersection with the center line of Panola Street, thence in a northerly direction along the center line of Panola Street to its intersection with the center line of Centre Street, thence in a westerly direction along the center line of Centre Street to its intersection with the center line of Main Street, thence in a southerly direction along the center line of Main Street to the point of beginning.

"The Second Ward: Beginning at a point in the Town Limits line, which point would be in the center of Railroad Street, if said street were extended in a northerly direction across the Atlantic Coast Line Railroad right of way to said Town Limits line, thence along the center line of Railroad Street in a southerly direction crossing Fountain Street and continuing in a southerly direction with the center line of Mill Street to the intersection of the center line of Mill Street and the center line of Linden Street, thence with the center line of Linden Street in a westerly direction to its intersection with the center line of Peach Street, thence with the center line of Peach Street in a southerly direction to its intersection with the center line of Howard Avenue, thence with the center line of Howard Avenue in a westerly direction to its intersection with the center line of Hendricks Creek, thence down Hendricks Creek in a southerly direction to a point which is 100 feet from Howard Avenue in a line measured perpendicular from said Howard Avenue, thence with the Town Limits line in a westerly direction and continuing the various courses and distances of said Town Limits line to the point of beginning.

"The Third Ward: Beginning at a point in the center line of Albemarle Avenue formed by the intersection of said center line and the northern line of Arlington, if extended in an easterly direction to the center of Albemarle Avenue, thence with the northern line of Arlington along a hedgerow and in a westerly direction to the center of Hendricks Creek, thence up the center of Hendricks Creek to its intersection with the center line of Howard Avenue, thence with the center line of Howard Avenue in an easterly direction to its intersection with the center line of Peach

Street, thence with the center line of Peach Street in a northerly direction to its intersection with the center line of Linden Street, thence with the center line of Linden Street in an easterly direction to its intersection with the center line of Mill Street, thence with the center line of Mill Street in a northerly direction crossing Fountain Street and continuing with the center line of Railroad Street in a northerly direction to a point formed by the intersection of the Town Limits line and the center line of Railroad Street, if extended northerly across Atlantic Coast Line Railroad right of way to the Town Limits line, thence with the Town Limits line in an easterly direction to the eastern line of Cedar Street, thence with the eastern line of Cedar Street in a southerly direction to its intersection with the center line of the Atlantic Coast Line Railroad Norfolk Branch Main Track, thence with the center line of said Main Track in an easterly direction to its intersection with the center line of the Atlantic Coast Line Railroad Plymouth Branch Main Track, thence with the center line of the said Atlantic Coast Line Railroad Plymouth Branch Main Track in a southerly direction and with the center line of Albemarle Avenue to the point of beginning.

"The Fourth Ward: Beginning at the mouth of Hendricks Creek on Tar River, thence with the Town Limits line up said Creek and leaving said creek and continuing with the various courses and distances of said Town Limits line to its intersection with the center of Hendricks Creek, thence down and with the center of said Hendricks Creek to its intersection with the northern line of Arlington, thence with the northern line of Arlington along a hedgerow in an easterly direction to the point formed by the intersection of said northern line of Arlington and the center line of Albemarle Avenue, thence with the center line of Albemarle Avenue in a southerly direction to its intersection with the Town Limits line on Tar River, thence down Tar River with the Town Limits line to the point of beginning.

"The Fifth Ward: Beginning at a point in the Town Limits line on Tar River formed by the intersection of said Town Limits line and the center line of the Atlantic Coast Line Railroad Plymouth Branch Main Track, thence with the center line of said Atlantic Coast Line Railroad Plymouth Branch Main Track in a northerly direction and along the center line of Albemarle Avenue and continuing in a northerly direction with the center line of said Atlantic Coast Line Railroad Plymouth Branch Main Track to its intersection with the center line of the Atlantic Coast Line Railroad Norfolk Branch Main Track, thence with the center line of said Atlantic Coast Line Railroad Norfolk Branch Main Track in an easterly direction to its intersection with the center line of St. Patrick Street, if said street were extended in a northerly direction to the center line of said Atlantic Coast Line Railroad Norfolk Branch Main Track, thence in a southerly direction with the center line of St. Patrick Street so extended, to its intersection with the center line of Baker Street, thence with the center line of Baker Street in an easterly direction to its intersection with the center line of Panola Street, thence with the center line of Panola Street in a southerly direction to its intersection with the center line of Wilson Street, thence with the center line of Wilson Street in a

westerly direction to its intersection with the center line of St. Andrew Street, thence with the center line of St. Andrew Street in a southerly direction to a point in the Town Limits line on Tar River, which point would be the intersection of the Town Limits line and the center line of St. Andrew Street, if said street were extended in a southerly direction to said Town Limits line, thence down Tar River and with the Town Limits line to the point of beginning.

"The Sixth Ward: Beginning at the point in the Town Limits line on Tar River formed by the intersection of said Town Limits line and the center line of St. Andrew Street, if extended in a southerly direction to said Town Limits line, thence in a northerly direction with the center line of St. Andrew Street so extended to its intersection with the center line of Wilson Street, thence with the center line of Wilson Street in an easterly direction to a point in the Town Limits line formed by the intersection of said Town Limits line and the center line of Wilson Street, if extended in an easterly direction to the Town Limits line, thence with the Town Limits line in a generally southerly direction to Tar River and continuing with said Town Limits line down Tar River to the point of beginning.

"The Seventh Ward: Beginning at the point formed by the intersection of the center line of Panola Street and the center line of Baker Street, thence with the center line of Baker Street in an easterly direction to its intersection with the center line of Lloyd Street, thence with the center line of Lloyd Street in a northerly direction to its intersection with the center line of Elm Street, thence with the center line of Elm Street in an easterly direction to its intersection with the center line of East Street, thence in a northerly direction and with the center line of East Street, extended in a northerly direction to its intersection with the Town Limits line, thence with the Town Limits line in an easterly and southerly direction to its intersection with the center line of Wilson Street, if extended in an easterly direction to the Town Limits line, thence in a westerly direction with the center line of said Wilson Street, so extended, to its intersection with the center line of Panola Street, thence with the center line of Panola Street in a northerly direction to the point of beginning.

"The Eighth Ward: Beginning at the point formed by the intersection of Baker Street and the center line of St. Patrick Street, thence with the center line of St. Patrick Street in a northerly direction to a point in the center line of the Atlantic Coast Line Railroad Norfolk Branch Main Track formed by the intersection of the center line of said Track and the center line of St. Patrick Street, if St. Patrick Street were extended in a northerly direction to said railroad, thence with the center line of said main track in a westerly direction to its intersection with the center line of Main Street, thence with the center line of Main Street in a northerly direction to its intersection with the center line of Centre Street, thence with the center line of Centre Street in an easterly direction to its intersection with the center line of Panola Street, thence with the center line of Panola Street in a southerly direction to its intersection with the center line of Daniel Street, thence with the center line of Daniel Street in an easterly direction to its intersection with the Town Limits line, thence

with the Town Limits line in a generally southerly direction to the East Tarboro Drainage Canal, thence continuing with said canal and with said Town Limits line in an easterly direction to its intersection with the center line of East Street, if extended in a northerly direction to the Town Limits line, thence with the center line of East Street in a southerly direction to its intersection with the center line of Elm Street, thence with the center line of Elm Street in a westerly direction to its intersection with the center line of Lloyd Street, thence with the center line of Lloyd Street in a southerly direction to its intersection with the center line of Baker Street, thence with the center line of Baker Street in a westerly direction to the point of beginning."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 41 CHAPTER 24

AN ACT TO CORRECT CERTAIN ERRORS IN THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-227, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting the word "or" in lieu of the word "of" in the fourth line thereof.

Sec. 2. G. S. 7A-306(b), as the same appears in the 1965 Cumulative Supplement of Volume 1B of the General Statutes, is hereby amended by inserting the word "dollars" after the word "thirteen" in the first line thereof.

Sec. 3. G. S. 14-269.1(3), as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting the word "be" after the word "shall" in the fifth line thereof.

Sec. 4. G. S. 20-116(j)(3), as the same appears in 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting the word "preceded" in lieu of the word "proceeded" in the first sentence thereof.

Sec. 5. G. S. 23-29(1), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "of" in lieu of the word "or" immediately after the word "default".

Sec. 6. G. S. 25-2-106(4), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the words "any remedy for breach" in lieu of the words "remedy any breach" in the third line thereof.

Sec. 7. G. S. 25-2-208(2), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended to read as it has been codified therein, in order to correct the incorrect internal reference made therein in the 1965 Session Laws.

Sec. 8. G. S. 25-2-501(1)(c), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the words "after contracting or for the sale of crops to be harvested within twelve months" after the word "months" and before the word "or" in the third line thereof.

Sec. 9. G. S. 25-2-704(2), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "scrap" after the word "for" in the fourth line thereof.

Sec. 10. G. S. 25-4-405(1), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "of" in lieu of the word "or" after the word "customer" and before the word "either" in the fourth line thereof.

Sec. 11. G. S. 25-5-117(1)(c), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "charge" in lieu of the word "change".

Sec. 12. G. S. 25-7-301(4), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "by" in lieu of the word "be" in the first line thereof.

Sec. 13. G. S. 25-9-312(3)(b), as the same appears in 1965 Replacement Volume 1D of the General Statutes, is hereby amended by inserting the word "or" in lieu of the word "of" immediately after the word "items" in the fourth line thereof.

Sec. 14. G. S. 28-25, as the same appears in the 1965 Cumulative Supplement of Volume 2A of the General Statutes, is hereby amended by inserting the word "admission" in lieu of the word "administration" in the third line thereof.

Sec. 15. G. S. 32-27(5)(c), as the same appears in the 1965 Cumulative Supplement to Volume 2A of the General Statutes, is hereby rewritten to read as follows: "c. To contribute thereto or invest therein additional capital, or to lend money thereto, in any such case upon such terms and conditions as the fiduciary shall approve from time to time;".

Sec. 16. G. S. 113-202(e), as the same appears in the 1965 Cumulative Supplement to Volume 3A of the General Statutes, is hereby amended by inserting the word "be" in lieu of the word "the" immediately before the word "leased" in the eleventh line thereof.

Sec. 17. G. S. 143-283.23, as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word "devises" in lieu of the word "devices".

Sec. 18. G. S. 160-464(e)(4), as the same appears in the 1965 Cumulative Supplement to Volume 3D of the General Statutes, is hereby amended by inserting the word "of" after the word "provisions" and by inserting "§ 160-463(e)" in lieu of "§ 160-143(e)".

Sec. 19. G. S. 122-59, as the same appears in 1964 Replacement Volume 3B of the General Statutes, is hereby amended by inserting the word "violent" in lieu of the word "violently" in the second line thereof.

Sec. 20. G. S. 126-5(b), as the same appears in the 1965 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by striking out the phrase beginning in the fifteenth line thereof and reading, "officials or employees whose salaries are fixed by the Governor, or by

the Governor and the Council of State, or by the Governor subject to the approval of the Council of State or the Advisory Budget Commission;".

Sec. 21. G. S. 130-124, as the same appears in the 1965 Cumulative Supplement to Volume 3B of the General Statutes, is hereby amended by inserting the word "largest" in lieu of the word "majority" in the sixth line thereof.

Sec. 22. G. S. 10-4(a)(1) is hereby amended by striking out the reference therein to "G. S. 52-12" and inserting in lieu thereof, "G. S. 52-6".

Sec. 23. G. S. 25-9-405(2) is hereby amended by striking out of the last sentence thereof the word "three" and inserting in lieu thereof the word "two".

Sec. 24. G. S. 128-1 is hereby amended by striking out of the proviso contained therein the words "justices of the peace", and inserting in lieu thereof the words "notaries public".

Sec. 25. G. S. 25-9-406 is hereby amended by inserting the words "per page" immediately after the words and figures, "one dollar ($1.00)" in the last sentence thereof.

Sec. 26. G. S. 47-39 is hereby amended by striking out the reference therein to "G. S. 52-12" and inserting in lieu thereof, "G. S. 52-6".

Sec. 27. Article 37 of Chapter 106 of the General Statutes, as the same appears in 1960 Replacement Volume 3A of the General Statutes, is hereby amended as follows:

(1) G. S. 106-426 is amended by deleting the phrase, "as they may adopt" in the third line thereof, and inserting in lieu thereof the phrase, "as it may adopt".

(2) The second sentence of G. S. 106-426 is amended by deleting therefrom the phrase, "The above institutions", and inserting in lieu thereof the phrase, "The North Carolina Department of Agriculture".

(3) G. S. 106-427 is amended by deleting therefrom the words, "either, or both, of the above-named institutions", and inserting in lieu thereof, "the North Carolina Department of Agriculture".

(4) G. S. 106-428 is amended by striking out of the first sentence thereof the words "either of the above-named institutions" and inserting in lieu thereof the words, "the North Carolina Department of Agriculture".

Sec. 28. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 29. This Act shall be effective October 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 46 CHAPTER 25

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 120 OF THE GENERAL STATUTES TO PROVIDE SUBSISTENCE ALLOWANCE TO CERTAIN OFFICERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 120-36.1 be repealed and that a new Section to be designated as G. S. 120-36.1 be enacted to read as follows:

"120-36.1. Subsistence Allowance for Principal Clerks, Reading Clerks, Sergeant at Arms, and Chief Enrolling Clerk. In addition to all other compensation allowed by law, the Principal Clerks, Reading Clerks, Sergeants at Arms, and Chief Enrolling Clerk of each House of the General Assembly shall be paid, for subsistence allowances for expenses incurred in connection with duties in the General Assembly, the sum of twenty dollars ($20.00) per day."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be retroactive to January 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 57 CHAPTER 26

AN ACT TO AMEND SECTION 5 OF THE CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA, 1949, AS AMENDED) RELATING TO GENERAL RIGHTS AND POWERS.

The General Assembly of North Carolina do enact:

Section 1. That Section 5 of the Charter of the City of Raleigh (Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) be amended to read as follows:

"Section 5. General Rights and Powers.

"The City of Raleigh is hereby vested with all the property and rights of property which now belong to the said municipal corporation, and the City of Raleigh shall have all the powers granted to municipal corporations and to cities by the Constitution and by the general laws of the State of North Carolina and by this Act, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire real or personal property within or without its corporate limits for the government, welfare, benefit or improvement of the city and its citizens, in fee simple or any lesser interest or estate, by purchase, gift, devise, bequest, lease, condemnation, dedication or otherwise, and may acquire, sell, lease, mortgage, hold, manage and control, such property, real or personal, as its interest may require and as shall be deemed advisable by the governing body of the City of Raleigh and as shall be in conformity with the provisions of this Charter and the general laws of the State of North Carolina. The City of Raleigh shall have the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, and to plead and be impleaded. Except as prohibited by the Constitution and the general laws of the State of North Carolina or restricted by this Charter and other statutes applicable to the City of Raleigh, the city shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every kind and nature whatsoever, as may be necessary, proper, or usually appertaining to municipal corporations. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers

enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the City of Raleigh shall have and may exercise all powers which, under the Constitution and the laws of the State of North Carolina, it would be competent for this Charter specifically to enumerate."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. B. 19 CHAPTER 27

AN ACT TO AMEND GS 9-25, RELATING TO THE DRAWING AND SERVICE OF GRAND JURORS, SO AS TO MAKE THE FIRST PARAGRAPH APPLICABLE TO PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. GS 9-25, as it appears in the 1965 Cumulative Supplement to the 1953 Recompiled Volume 1B of the General Statutes of North Carolina, is hereby amended by inserting the word "Pamlico" immediately after the words "New Hanover" and immediately before the word "Richmond" in line 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1967.

H. B. 28 CHAPTER 28

AN ACT TO AMEND CHAPTER 564, PUBLIC-LOCAL LAWS OF 1913, SO AS TO ABOLISH TRIAL BY JURY IN CRIMINAL CASES IN THE RECORDER'S COURT IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 564, Public-Local Laws of 1913, as amended by Chapter 264, Public-Local and Private Laws of 1939, is hereby amended by rewriting the first sentence thereof to read as follows: "The plaintiff or defendant in all civil actions in said court may demand and have a trial by jury."

Sec. 2. Section 8 of Chapter 564, Public-Local Laws of 1913, as amended by Chapter 264, Public-Local and Private Laws of 1939, is further amended by adding at the end thereof a new paragraph, to read as follows:

"There shall be no trial by jury in criminal actions in said court, but upon written demand for a jury trial by either the defendant or the

prosecuting attorney, the action shall be transferred to the Superior Court of Rutherford County where the defendant shall be tried upon indictment only."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1967.

H. B. 48

CHAPTER 29

AN ACT TO PROVIDE FOR THE REORGANIZATION AND CONSOLIDATION OF THE ELIZABETH CITY BOARD OF EDUCATION AND THE PASQUOTANK COUNTY BOARD OF EDUCATION AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE BOARD FOR ALL OF THE PUBLIC SCHOOLS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "City Board" shall mean the Elizabeth City City Board of Education.

(b) The term "County Board" shall mean the Pasquotank County Board of Education.

(c) The term "Interim Board" shall mean the members of the Elizabeth City City Board of Education acting jointly and together for the administration of all of the public schools within Pasquotank County for the interim period hereinafter provided in this Act.

(d) The term "City Administrative Unit" shall mean the geographical territory over which the Elizabeth City City Board of Education exercises authority in administering and operating the public schools of said Unit.

(e) The term "County Administrative Unit" shall mean the geographical territory over which the Pasquotank County Board of Education exercises authority in administering and operating the public schools of said Unit.

(f) The term "County Commissioners" shall mean the Board of Commissioners of Pasquotank County.

(g) The term "Elizabeth City-Pasquotank Board of Education" shall mean the single Board hereinafter established by this Act for the purpose of operating and administering all of the public schools of Pasquotank County, including those schools now operated and administered by the Elizabeth City Board of Education and now operated and administered by the Pasquotank County Board of Education.

Sec. 2. The newly constituted and established Elizabeth City-Pasquotank Board of Education shall consist of seven members, and each of said members shall be residents and qualified voters of the townships according to the membership allocations hereinafter made to said townships as follows:

Providence township, Salem township, Newland township, Mount Herman township and other township areas remaining in Pasquotank County shall be entitled to three members except that no two members shall reside in any one township.

Elizabeth City township and that portion of other township areas within the Elizabeth City city limits shall be entitled to three members.

One member shall be elected from the county at large, without regard to township.

Sec. 3. At the time of the primary and election of State and county officers for the year 1968, there shall be nominated and elected seven members who shall constitute the Elizabeth City-Pasquotank Board of Education. Each of said members shall be residents and electors of the townships as set forth in Section 2 of this Act, and each of said members shall be nominated by the voters of Pasquotank County at large in said primary. The candidates in each township receiving the highest number of votes shall be declared to be nominated, and there shall be no second primary. The persons or candidates so nominated from the townships shall be voted upon by the voters of Pasquotank County at large in said election. Each candidate for nomination for membership on the Elizabeth City-Pasquotank Board of Education shall file a notice of candidacy with the Board of Elections showing the township of which said candidate is a resident and also showing the candidate's party affiliation. All candidates for nomination from the various townships shall file such notice of candidacy by noon on or before the sixth Saturday before the date on which the primary is to be held and shall pay a filing fee of ten dollars ($10.00). The nomination and election of said members of the Elizabeth City-Pasquotank Board of Education shall be held, conducted and supervised by the Board of Elections, and except as herein provided the general election laws and regulations for the nomination and election of county officers, and as set forth in Chapter 163 of the General Statutes, as amended, shall apply and govern as to the holding of said primary and election. The three candidates whose residence is within the Elizabeth City township and that portion of other township areas within the Elizabeth City corporate limits, who receive the highest number of votes in descending order, shall serve as follows:

(1) Highest vote—6 year term.

(2) Second highest vote—4 year term.

(3) Third highest vote—2 year term.

The three candidates whose residence is within the Providence township, the Salem township, the Newland township, the Mount Hermon township or other township areas remaining in Pasquotank County, who receive the highest number of votes in descending order, shall serve as follows:

(1) Highest vote—6 year term.

(2) Second highest vote—4 year term.

(3) Third highest vote—2 year term.

The candidate, running at large, who receives the highest number of votes shall serve a six-year term.

The seven candidates receiving the highest number of votes, as outlined in Section 3, in the election shall be certified and declared by the Board of Elections to be the elected members of the Elizabeth City-Pasquotank Board of Education.

Biennially thereafter, at each primary and election for the nomination and election of State and County officers, the vacancies occurring in the

membership of said Board shall be filled by nomination and election as the said terms of the members expire, and all such members so elected shall hold office for terms of six years. The members of said Board nominated and elected in the primary and general election of 1968 shall take office on the first Monday in December, 1968, and the terms of their office shall date and extend from that time. All vacancies in the membership of the Elizabeth City-Pasquotank Board of Education by reason of death, resignation or removal from township shall be filled by the remaining members of said Board from area of residence where vacancy occurs for the complete unexpired term within 30 days after vacancy occurs.

In the event no candidate is elected in the General Election to fill any term which is to expire, then and in that event, the Elizabeth City-Pasquotank Board of Education shall declare a vacancy, and such vacancy shall be filled in accordance with Section 3.

The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie. The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all of the public schools in Pasquotank County, including the public schools now located in the Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by city and county boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified.

Sec. 4. In the event the qualified electors of Pasquotank County, by a majority of those voting, shall approve this Act in a special election or referendum as hereinafter provided, then the Interim Board shall on the first day of July, 1967, assume the authority and shall control, operate and administer public schools of Pasquotank County, including those public schools located and situated in the City Administrative Unit. The Interim Board shall meet on the first Monday following the certification of election results by the Board of Elections for the purpose of organization and the election of a superintendent and associate superintendent or assistant superintendent as provided by law. The Interim Board shall consist of the members of the City Board and the County Board acting jointly and by a majority vote of all members present, and the members of said Interim Board shall elect their own chairman and vice chairman to preside at meetings, and the chairman and vice chairman shall have a vote on all matters considered by the Interim Board but shall have no authority to vote to create a tie and then again vote to break the tie. Replacement, appointment or election of members to the Interim Board shall follow procedures now used to select members for each board separately. Membership shall be maintained at fifteen members for the interim period. The Interim Board shall have power and authority to

prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets, and at the time required by law shall prepare and submit to the Board of Commissioners all necessary capital outlay, debt service, current expense budgets, including proper notice to the Board of Commissioners to include any supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners may approve or disapprove all budgets, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget, including the supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The Interim Board shall expend all funds in conformity with the approved budgets, and in the event of a disagreement between the Interim Board and the Board of Commissioners as to the amount of the supplemental tax levy to be made or as to any budgetary items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. For the period of time in which its authority is exercised, the Interim Board shall exercise all the powers and duties that can and may be exercised by city and county boards of education and as provided by Chapter 115 of the General Statutes (Replacement 1960) as amended, and as the same may be hereafter revised and amended. When the Interim Board shall assume authority as herein provided in this Act, all authority and power of the City Board and County Board shall cease and terminate, and the same shall be vested in the Interim Board. The Interim Board is authorized and empowered to employ a superintendent, associate superintendent or assistant superintendent, and to employ all necessary principals, teachers, clerical assistants, janitors, maids and all other necessary school employees or personnel as now provided by the public school law. In the event the Interim Board shall assume power and authority to administer the public school system of the County of Pasquotank, including the public schools of the City Administrative Unit, then its power and authority for such purposes shall cease and terminate on the first Monday in December, 1968, when the Elizabeth City-Pasquotank Board of Education shall assume authority and its members take office as herein provided. Nothing herein shall affect the supplemental tax of the Elizabeth City School Administrative Unit levied for public school purposes unless and until the county-wide supplemental tax for all the schools in the county is approved according to the provisions of this Act.

Sec. 5. In the year 1967, and in each subsequent year, at the same time the other budgets are filed, the Elizabeth City-Pasquotank Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners on all taxable property located within said county not to exceed the rate voted by the people in said county. The Board of Commissioners may approve or disapprove the supplemental budget, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of

Commissioners. In the event of a disagreement between the Elizabeth City-Pasquotank Board of Education and the Board of Commissioners as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided in G. S. 115-87 and G. S. 115-88.

Sec. 6. The Elizabeth City-Pasquotank Board of Education shall appoint a treasurer of all the school funds which are appropriated and provided for all the public schools of the county; provided that all school debt service funds shall be deposited with the County Treasurer in the manner specified by the General Statutes of North Carolina. The treasurer so appointed shall continue to fill such position at the will of the Elizabeth City-Pasquotank Board of Education. No person authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of said funds. The treasurer shall give bond for the faithful performance of his duties in such amount as the Elizabeth City-Pasquotank Board of Education may prescribe, but in no event for less than twenty-five thousand dollars ($25,000.00). Except as herein otherwise expressly provided, the treasurer shall perform the duties prescribed by the applicable provisions of Chapter 115 of the General Statutes (Replacement 1960) and shall be subject to all such provisions. All sums appropriated by said Board of Commissioners for capital outlay, current expenses and to supplement the current expenses fund from State and county allotments shall be paid over to the treasurer of the Elizabeth City-Pasquotank Board of Education at reasonable periods after the receipt of said funds by the auditor or other proper official of Pasquotank County; provided, however, that the Board of Commissioners shall hold and administer the proceeds of school bond sales as now provided by law; provided further that the County Accountant shall countersign all checks, warrants, and orders of the Board of Education, as provided by Section 115-90 of the General Statutes of North Carolina. In accordance with the provisions of G. S. 115-50, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school, and it shall not be required that committee chairmen sign the same. Whenever the Elizabeth City-Pasquotank Board of Education shall have authorized the execution of any contract, conveyance, or other instrument, the vice chairman shall have the same authority as the chairman to execute the same on behalf of such Board. In the event of the absence or inability of both the chairman and vice chairman to attend any meeting or meetings, the Elizabeth City-Pasquotank Board of Education by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, for and on behalf of such Board.

Sec. 7. The superintendent of schools shall be ex officio secretary of the Elizabeth City-Pasquotank Board of Education as provided by G. S. 115-56. The said Board may elect an assistant secretary to serve at the pleasure of the said Board. The assistant secretary may be, but shall not be required to be, a member of said Board. Such assistant secretary may perform the duties of the secretary of the said Board when the secretary is absent from any meeting or for any other reason is unable to perform his duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required

by law to be attested by the secretary. The secretary, or in his absence the assistant secretary, shall keep the minutes of all meetings of the said Board and it shall be the duty of such secretary or assistant secretary to furnish each member of the said Board with a copy of the minutes as soon after any meeting as may be reasonably practicable. In addition to the election of a superintendent of schools in the manner provided by the general law, the said Board may employ such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. They may be elected to serve at the pleasure of the Board for such terms as may be fixed by the Board, but the terms of any associate superintendents or assistant superintendents shall not exceed the term for which the superintendent is employed. Except as modified by other provisions of this Act, all principals and teachers shall be elected in the manner prescribed by the general law. The Board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the Board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the Board shall be fixed by the Board. Out of any local supplement the Board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper.

Sec. 8. The Elizabeth City-Pasquotank Board of Education as herein created may appoint school committees for some or all of the districts within Pasquotank County in accordance with the provisions of the general public school law, but said Board shall not be required to appoint school committees in all districts, and in any district within which no school committee is appointed, the Board itself shall exercise those functions which are given to school committees under the general law.

Sec. 9. Title to all property of the City Board of Education and all property of the County Board of Education, both real and personal, of every kind and description, shall be vested in the Elizabeth City-Pasquotank Board of Education as of July 1, 1967, and to its successors as hereinafter provided in this Act. The City Board and the County Board shall have full and ample authority prior to July 1, 1967, to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Elizabeth City-Pasquotank Board of Education. All claims and demands of every kind which the City Board and the County Board may have as of July 1, 1967, shall pass and be transferred to the Elizabeth City-Pasquotank Board of Education, and said Board of Education shall have the same power and authority to enforce said claims and demands as said City Board and County Board would have had in the event of their continuing existence. Any obligations and liabilities of the City Board or County Board existing as of July 1, 1967, shall be and become the obligations and liabilities of the Elizabeth City-Pasquotank Board of Education, and such obligations and liabilities may

be enforced against said Elizabeth City-Pasquotank Board of Education to the same extent that they might have been enforced against the City Board or the County Board had they continued in existence. All unexpended taxes collected by the auditor or other proper officer of Pasquotank County on account of school supplement levies made within the City Administrative Unit prior to the first of July, 1967, shall be paid by the said auditor or other proper officer to the treasurer of the Elizabeth City-Pasquotank Board of Education on or before July 1, 1967.

Sec. 10. All funds or moneys now being paid to either the City Board or the County Board by the Alcoholic Board of Control, or from any other sources, shall be paid to the Interim Board when it assumes authority or control of the public schools as provided by this Act, and on and after July 1, 1967, all funds derived from the Alcoholic Board of Control for school purposes shall be paid to the Elizabeth City-Pasquotank Board of Education.

Sec. 11. The compensation of the members of the Interim Elizabeth City-Pasquotank Board of Education and thereafter of the Elizabeth City-Pasquotank Board of Education is hereby fixed at fifteen dollars ($15.00) per meeting per member. The compensation of the chairman of the Interim Elizabeth City-Pasquotank Board of Education and thereafter of the Elizabeth City-Pasquotank Board of Education is hereby fixed at fifteen dollars ($15.00) per meeting plus one hundred and fifty dollars ($150.00) per annum.

Sec. 12. The Board of Elections shall within ten days after ratification of this Act by the General Assembly of North Carolina initiate the election process and shall set forth the date and time such election shall be held. When the special election or referendum is called by the Board of Elections the same shall be held and conducted by the Board of Elections of Pasquotank County, and the provisions of G. S. 115-116(g) and other provisions of Article 14 of Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable to said special election or referendum insofar as they are not inconsistent with the provisions of this Act. At any special election or referendum, there shall be submitted to the vote of the people of Pasquotank County the question of the reorganization and consolidation of the City Board and County Board and the creation of one administrative board for all the public schools in Pasquotank County and for providing a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollars ($100.00) valuation. The ballot at such special election or referendum shall contain substantially the following:

"For consolidation and reorganization of the Elizabeth City City Board of Education and the Pasquotank County Board of Education and the creation of one administrative board for all the public schools in Pasquotank County and a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollar ($100.00) valuation." "Against consolidation and reorganization of the Elizabeth City City Board of Education and the Pasquotank County Board of Education and the creation of one administrative board for all the public

schools in Pasquotank County and a supplemental school tax throughout Pasquotank County not to exceed sixteen cents (16¢) on the one hundred dollar ($100.00) valuation."

If at such election or referendum the majority of the votes cast favor the reorganization and consolidation of the City Board and County Board and the creation of the Elizabeth City-Pasquotank Board of Education and the majority of the votes cast also favor a supplemental school tax not to exceed sixteen cents (16¢) on the one hundred dollars ($100.00) valuation, the preceding Sections of this Act shall be operative as of July 1, 1967, following the results and determination of said election or referendum, with the exception of those Sections which by their nature would become operative prior to said date, and the supplemental school tax authorization shall become effective at the same time. If the majority of the votes so cast at said election or referendum is against such reorganization and consolidation and creation of the Elizabeth City-Pasquotank Board of Education and is against such supplemental school tax, then in such event, the preceding Sections of this Act shall not become operative.

Sec. 13. All general or public laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 14. All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 15. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provisions adjudged unconstitutional or invalid.

Sec. 16. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1967.

H. B. 49 CHAPTER 30

AN ACT TO PROVIDE FOR THE REORGANIZATION AND CONSOLIDATION OF THE EDENTON CITY BOARD OF EDUCATION AND THE CHOWAN COUNTY BOARD OF EDUCATION AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE BOARD FOR ALL OF THE PUBLIC SCHOOLS IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "City Board" shall mean the Edenton City Board of Education.

(b) The term "County Board" shall mean the Chowan County Board of Education.

(c) The term "Interim Edenton-Chowan Board of Education" shall mean the members of the Edenton City Board of Education and the members of the Chowan County Board of Education acting jointly and

together for the administration of all of the public schools within Chowan County for the interim period hereinafter provided in this Act.

(d) The term "City Administrative Unit" shall mean the geographical territory over which the Edenton City Board of Education exercises authority in administering and operating the public schools of said Unit.

(e) The term "County Administrative Unit" shall mean the geographical territory over which the Chowan County Board of Education exercises authority in administering and operating the public schools of said Unit.

(f) The term "County Commissioners" shall mean the Board of County Commissioners of Chowan County.

(g) The term "Edenton-Chowan Board of Education" shall mean the single Board hereinafter established by this Act for the purpose of operating and administering all of the public schools of Chowan County, including those schools now operated and administered by the Edenton City Board of Education and now operated and administered by the Chowan County Board of Education.

Sec. 2. The newly constituted and established Edenton-Chowan Board of Education shall consist of seven members, and each of said members shall be residents and qualified voters of the townships according to the membership allocations hereinafter made to said townships as follows:

The First Township shall be entitled to four members; the Second Township shall be entitled to one member; the Third Township shall be entitled to one member; the Fourth Township shall be entitled to one member.

Sec. 3. At the time of the primary and election of State and County Officers for the year 1970, there shall be nominated and elected seven members who shall constitute the Edenton-Chowan Board of Education. Each of said members shall be residents and electors of the townships as set forth in Section 2 of this Act, and each of said members shall be nominated by the voters of Chowan County at large in said primary. The candidate in each township receiving the highest number of votes shall be declared to be nominated, and there shall be no second primary. The persons or candidates so nominated from the townships shall be voted upon by the voters of Chowan County at large in said election. Each candidate for nomination for membership on the Edenton-Chowan Board of Education shall file a notice of candidacy with the Board of Elections showing the township of which said candidate is a resident and also showing the candidate's party affiliation. All candidates for nomination from the various townships shall file such notice of candidacy by noon on or before the sixth Saturday before the date on which the primary is to be held and shall pay a filing fee of ten dollars ($10.00). The nomination and election of said members of the Edenton-Chowan Board of Education shall be held, conducted and supervised by the Board of Elections, and except as herein provided the general election laws and regulations for the nomination and election of county officers, as set forth in Chapter 163 of the General Statutes, as amended, shall apply and govern as to the holding of said primary and election. The seven candidates receiving the highest number of votes in the election shall be certified and declared by the Board of Elections to be elected members of the Edenton-Chowan Board of Education. There shall be three members elected to serve for

a term of six years, two of which shall be from the First Township and one from the Second Township. There shall be two members elected to serve for a term of four years, one of which shall be from the First Township and one from the Third Township. There shall be two members elected to serve for a term of two years, one of which shall come from the First Township and one from the Fourth Township. Of those four members elected from the First Township, the two receiving the greater number of votes shall serve the six year terms; the member receiving the highest number of votes shall serve the four year term; and the member receiving the next highest number of votes shall serve the two year term. The members of the Edenton-Chowan Board of Education shall be inducted into and take the oath of office on January 1, 1971. Biennially, thereafter, in each primary and election for nomination and election of State and County Officers, the vacancies occurring in the membership of said Board shall be filled by nomination and election as the said terms of the members expire, and all such members so elected shall hold office for terms of six years, but in no event shall a member serve for more than two successive six year terms. All vacancies in the membership of the Edenton-Chowan Board of Education by reason of death, resignation, removal from township or otherwise shall be filled within 30 days after such vacancy occurs by the remaining members of said Board for the complete unexpired term, provided that the person appointed to fill a vacancy must be a resident and elector from the township of the member he is appointed to replace. The Edenton-Chowan Board of Education shall elect a Chairman and Vice Chairman to preside over its meetings, and the Vice Chairman may preside in the absence of the Chairman. The Edenton-Chowan Board of Education shall control, administer and operate all of the public schools in Chowan County, including the public schools now located in the Edenton City Administrative Unit, as well as the public schools now located in the Chowan County Administrative Unit. The Edenton-Chowan Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by city and county boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified.

Sec. 4. In the event the qualified electors of Chowan County by a majority of those voting, shall approve this Act by a special election or referendum or as hereinafter provided, the Interim Edenton-Chowan Board of Education shall on the first Monday of the month following the certification of the results of the special election or referendum assume the authority and shall control, operate and administer public schools of Chowan County, including those public schools located and situated in the City Administrative Unit. In the event the majority of the electors of Chowan County voting in an election or referendum which shall be held as authorized and directed by the Board of Commissioners of Chowan County shall approve the provisions of this Act, then the Interim Edenton-Chowan Board of Education shall assume authority and shall control, operate and administer public schools of Chowan County, including the

schools located in the City Administrative Unit, and shall begin such public school administration on the first Monday of the month following the certification of the results of the special election or referendum. The Interim Edenton-Chowan Board of Education shall consist of the members of the City Board and the County Board acting jointly and by a majority of all members present, and the members of said Interim Edenton-Chowan Board of Education shall elect their own Chairman and Vice Chairman to preside at meetings, and the Chairman and Vice Chairman shall have a vote on all matters considered by the Interim Edenton-Chowan Board of Education but shall have no authority to vote to create a tie and then again vote to break the tie. All vacancies in the membership of the Interim Edenton-Chowan Board of Education, should the total number of Board members become less than seven during the interim period, shall be filled by the remaining members of the said Interim Board to complete the term remaining in the interim period. The Interim Edenton-Chowan Board of Education shall have power and authority to prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets and at the time required by law shall prepare and submit to the Board of Commissioners all necessary capital outlay, debt service, current expense budgets, including proper notice to the Board of Commissioners to include any supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners may approve or disapprove all budgets, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget, including the supplemental purposes, not exceeding the amount of the tax levy authorized by vote of the people. The Interim Edenton-Chowan Board of Education shall expend all funds in conformity with the approved budgets, and in the event of a disagreement between the Interim Edenton-Chowan Board of Education and the Board of Commissioners as to the amount of the supplemental tax levy to be made or as to any budgetary items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. For the period of time in which its authority is exercised the Interim Edenton-Chowan Board of Education shall exercise all the powers and duties that can and may be exercised by City and County Boards of Education as provided by Chapter 115 of the General Statutes as amended, and as the same may be hereafter revised and amended. When the Interim Edenton-Chowan Board of Education shall assume authority as herein provided in this Act, all authority and power of the City Board and County Board shall cease and terminate, and the same shall be vested in the Interim Edenton-Chowan Board of Education. The Interim Edenton-Chowan Board of Education is authorized and empowered to employ a Superintendent, Associate Superintendent or Assistant Superintendent, and to employ all necessary principals, teachers, clerical assistants, janitors, maids, and all other necessary school employees and personnel as now provided by the Public School Law, provided that no present employee of the Edenton City or Chowan County Board of Education shall lose his employment or be lowered in salary because of the provisions of this merger. In the event the Interim Edenton-Chowan Board

of Education shall assume power and authority to administer the public school system of the County of Chowan, including the public schools of the City Administrative Unit, then its power and authority for such purposes shall cease and terminate on January 1, 1971, when the Edenton-Chowan Board of Education shall assume authority and its members take office as herein provided.

Sec. 5. In the year 1971, and in each subsequent year, at the same time the other budgets are filed, the Edenton-Chowan Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners on all taxable property located within said county not to exceed the rate voted by the people in said county. The Board of Commissioners may approve or disapprove the supplemental budget, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners. In the event of a disagreement between the Edenton-Chowan Board of Education and the Board of Commissioners as to the amount of the supplemental tax levy to be made, such disagreement shall be resolved by the procedure provided in G. S. 115-87 and G. S. 115-88.

Sec. 6. The Interim Edenton-Chowan Board of Education shall appoint a treasurer of all the school funds which are appropriated and provided for all the public schools of the county; provided that all school debt service funds shall be deposited with the County Treasurer in the manner specified by the General Statutes of North Carolina. The treasurer so appointed shall continue to fill such position at the will of the Interim Edenton-Chowan Board of Education, until January 1, 1971, and thereafter at the will of the Edenton-Chowan Board of Education. No person authorized to make the expenditures or draw vouchers therefor, or to approve the same, shall act as treasurer of said funds. The treasurer shall give bond for the faithful performance of his duties in such amount as the Interim Edenton-Chowan Board of Education may prescribe, and after January 1, 1971, as may be prescribed by the Edenton-Chowan Board of Education, but in no event shall said bond be for less than twenty-five thousand dollars ($25,000.00). Except as herein otherwise provided, treasurer shall perform the duties prescribed by the applicable provisions of Chapter 115 of the General Statutes as amended, and as the same may be hereafter revised and amended, and shall be subject to all such provisions. All sums appropriated by said Board of Commissioners for capital outlay, current expenses and to supplement the current expenses fund from State and County allotments shall be paid over to said treasurer at reasonable periods after the receipt of said funds by the Auditor or other proper official of Chowan County; provided, however, that the Board of Commissioners shall hold and administer the proceeds of school bond sales as now provided by law; provided further that the County Accountant shall countersign all checks, warrants, and orders of the Board of Education, as provided by Section 115-90 of the General Statutes of North Carolina. In accordance with the provisions of G. S. 115-50 (Replacement 1960) as

amended, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school, and it shall not be required that Committee Chairmen sign the same. Whenever the Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education shall take office as herein provided, shall have authorized the execution of any contract, conveyance, or other instrument, the Vice Chairman shall have the same authority as the Chairman to execute the same on behalf of such Board. In the event of the absence or inability of both the Chairman and Vice Chairman to attend any meeting or meetings, the Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education, by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, for and on behalf of such Board.

Sec. 7. The superintendent of schools shall be ex officio secretary of the Interim Edenton-Chowan Board of Education, and thereafter for the Edenton-Chowan Board of Education, as provided by G. S. 115-56. The said Board may elect an assistant secretary to serve at the pleasure of said Board. The assistant secretary may be, but shall not be required to be, a member of the said Board. Such assistant secretary may perform the duties of the secretary of the said Board when the secretary is absent from any meeting or for any other reason he is unable to perform his duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required by law to be attested by the secretary. The secretary, or in his absence the assistant secretary, shall keep the minutes of all meetings of the said Board and it shall be the duty of such secretary or assistant secretary to furnish each member of the said Board with a copy of the minutes as soon after any meeting as may be reasonably practicable. In addition to the election of a superintendent of schools in the manner provided by the general law, the said Board may employ such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. They may be elected to serve at the pleasure of the Board for such terms as may be fixed by the Board, but the terms of any associate superintendents or assistant superintendents shall not exceed the term for which the superintendent is employed. Except as modified by other provisions of this Act, all principals and teachers shall be elected in the manner prescribed by the general law. The Board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the Board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the Board shall be fixed by the Board. Out of any local supplement the Board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper.

Sec. 8. The Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education, as herein created, may

appoint school committees for some or all of the districts within Chowan County in accordance with the provisions of the general public school law, but neither of said boards shall be required to appoint school committees in any of the districts, and in any district within which no school committee is appointed, the Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education shall itself exercise those functions which are given to school committees under the general law.

Sec. 9. Title to all property of the City Board of Education and all property of the County Board of Education, both real and personal, of every kind and description, shall be vested in the Interim Edenton-Chowan Board of Education as of the first day of the month following the referendum or election of the voters of Chowan County approving said merger. Thereafter, on January 1, 1971, all of the property, both real and personal, of every kind and description, vested in the Interim Edenton-Chowan Board of Education shall be vested in the Edenton-Chowan Board of Education. The City Board and the County Board shall have full and ample authority prior to the merging of said Boards to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Interim Edenton-Chowan Board of Education. All claims and demands of every kind which the City Board and the County Board may have prior to the merger of said Boards, shall pass and be transferred to the Interim Edenton-Chowan Board of Education, and said Interim Edenton-Chowan Board of Education shall have the same power and authority to enforce said claims and demands as said City Board and County Board would have had in the event of their continuing existence. Any obligations and liabilities of the City Board or County Board existing prior to the merger of the said Boards shall be and become the obligations and liabilities of the Interim Edenton-Chowan Board of Education and thereafter the Edenton-Chowan Board of Education, and such obligations and liabilities may be enforced against said Interim Edenton-Chowan Board of Education, thereafter the Edenton-Chowan Board of Education, to the same extent that they might have been enforced against the City Board or the County Board had they continued in existence. All unexpended taxes collected by the auditor or other proper officer of Chowan County on account of school supplement levies made within the first and fourth townships prior to the merger of said Boards shall be paid by the said Auditor or other proper officer to the treasurer of the Interim Edenton-Chowan Board of Education as soon as is reasonably possible after the merger of said Boards.

Sec. 10. The compensation of the Chairman of the Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education, is hereby fixed at fifteen dollars ($15.00) per meeting and the compensation of the other members of said Board is hereby fixed at ten dollars ($10.00) per member per meeting.

Sec. 11. The Board of Commissioners shall direct that the Board of Elections call a special election or referendum on such date and at such time as shall be designated by the Board of Commissioners on the question of the approval of this Act. If no special election or referendum is called, then an election or referendum on the question of the approval of this Act

shall be held in Chowan County at the general election for State and County officers in the year 1968. In the event a special election or referendum is called by the Board of Elections of Chowan County, and the provisions of G. S. 115-116 (g) and other provisions of Article 14 of Chapter 115 of the General Statutes, dealing with elections and related matters, shall be applicable to said special election or referendum insofar as they are not inconsistent with the provisions of this Act. At any special election or referendum or at any election or referendum held at the time of the election of State and County officers in the year 1968, there shall be submitted to the vote of the people of Chowan County the question of the reorganization and consolidation of the City Board and County Board and the creation of one administrative board for all the public schools in Chowan County and for providing a supplemental school tax throughout Chowan County not to exceed fifteen cents (15¢) on the one hundred dollars ($100.00) valuation. Said supplemental school tax shall be in lieu of any and all supplemental school taxes presently enforced in the First and Fourth Townships of said County. The ballot at such special election or referendum or at such election or referendum held at the time of the general election of State and County officers in 1968, as the case may be, shall contain substantially the following:

"For consolidation and reorganization of the Edenton City Board of Education and the Chowan County Board of Education and the creation of one administrative board for all of the public schools in Chowan County and a supplemental school tax throughout Chowan County not to exceed fifteen cents (15¢) on the one hundred dollars ($100.00) valuation."
"Against consolidation and reorganization of the Edenton City Board of Education and the Chowan County Board of Education and the creation of one administrative board for all of the public schools in Chowan County and a supplemental school tax throughout Chowan County not to exceed fifteen cents (15¢) on the one hundred dollars ($100.00) valuation."

If at such election or referendum whether the same be a special election or referendum or whether the same be held at the time of the general election in 1968, the majority of the votes cast favor the reorganization and consolidation of the City Board and County Board and the creation of the Interim Edenton-Chowan Board of Education, and thereafter the Edenton-Chowan Board of Education, and a supplemental school tax not to exceed fifteen cents (15¢) on the one hundred dollars ($100.00) valuation, the preceding Sections of this Act shall be operative as of the first Monday of the month following the results and determination of said election or referendum, with the exception of those Sections which by their nature would become operative prior to said date, and the supplemental school tax authorization shall become effective on July 1 next following the election. If the majority of the votes so cast at said election or referendum is against such reorganization and consolidation and creation of the Interim Edenton-Chowan Board of Education, thereafter the Edenton-Chowan Board of Education, and is against such supplemental school tax, then in such event, the preceding Sections of this Act shall not become operative.

Sec. 12. All general or public laws inconsistent with and in conflict with this Act to said extent are hereby repealed.

Sec. 13. All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 14. If any clause, sentence, paragraph or provisions of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provision adjudged unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1967.

S. B. 26

CHAPTER 31

AN ACT TO ADD $1.00 TO THE COSTS OF COURT IN THE JACKSONVILLE MUNICIPAL COURT, TO BE USED FOR THE ONSLOW COUNTY LAW LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 795 of the Session Laws of 1957 is hereby amended by adding thereto the following Section, immediately following Section 5:

"Sec. 5A. It shall also be the duty of the Clerk of the Jacksonville Municipal Court, after the effective date of this amendment, to collect from the defendant in each and every case finally disposed in his court, except in cases in which the City of Jacksonville is adjudged to pay all costs, the sum of one dollar ($1.00) which amount shall be immediately paid over to the Clerk of the Superior Court of Onslow County to supplement the aforesaid library fund, and which shall be expended in the way and manner provided in this Act."

Sec. 2. Chapter 795 of the Session Laws of 1957 is hereby amended by deleting from the second line of Section 6 thereof the words "Sections 4 and 5 of this Act", and inserting in lieu thereof the words, "Sections 4, 5, and 5A of this Act".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1967.

H. B. 69

CHAPTER 32

AN ACT TO AMEND CHAPTER 1 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE THE ALLOWANCE OF COUNSEL FEES TO ATTORNEYS SERVING AS RECEIVERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-507.9 is hereby amended by adding the following sentence to the end thereof:

"The Court is authorized and empowered to allow counsel fees to an attorney serving as a receiver (in addition to the commissions allowed him

as receiver as herein provided) where such attorney in behalf of the receivership renders professional services, as an attorney, which are beyond the ordinary routine of a receivership and of a type which would reasonably justify the retention of legal counsel by any such receiver not himself licensed to practice law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after the date of ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1967.

H. B. 96 CHAPTER 33

AN ACT TO AMEND G. S. 38-4 RELATING TO SURVEYS IN DISPUTED BOUNDARIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 38-4 is hereby amended by rewriting the Section to read as follows:

"§ 38-4. Surveys in Disputed Boundaries. (a) When in any action or special proceeding pending in the Superior Court the boundaries of lands are drawn in question, the court may, if deemed necessary, order a survey of the lands in dispute, in accordance with the boundaries and lines expressed in each party's titles, and such other surveys as shall be deemed useful.

"(b) Surveys pursuant to this Section shall be made by one surveyor appointed by the court, unless the court, in its discretion, determines that additional surveyors are necessary. The surveyor or surveyors shall proceed according to the order of the court, and make the surveys and as many plats thereof as shall be ordered.

"(c) Upon the request of any party to the action or special proceeding, the court shall call such surveyor or surveyors as the court's witness, and any party to such action or proceeding shall have the privilege of direct examination, cross examination, and impeachment of such witness. The fact that such witness is called by the court shall not change the weight, effect or admissibility of the testimony of such witness, and upon the request of any party to the suit, the court shall so instruct the jury.

"(d) The court shall make an allowance for the fees of the surveyor or surveyors and they shall be taxed as a part of the costs. The court may, in its discretion, require the parties to make a deposit to secure the payment of such fees, and may, in its discretion, provide for the payment of such fees prior to the termination of the suit."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of March, 1967.

S. B. 24 **CHAPTER 34**

AN ACT TO AMEND G. S. 153-10.1, RELATING TO REMOVAL AND DISPOSAL OF TRASH, GARBAGE, ETC., SO AS TO MAKE SAID SECTION APPLICABLE TO UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by inserting the word "Union," immediately after the word "Transylvania," and immediately before the word "Wayne" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. B. 101 **CHAPTER 35**

AN ACT TO AMEND CHAPTER 158, SESSION LAWS OF 1963, RELATING TO THE CHARTER OF THE CITY OF ELIZABETH CITY RELATING TO DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 158, Session Laws of 1963, Section 1 is hereby amended by adding at the end of Section 1 immediately after subsection 13 a subsection to be designated 14, reading as follows:

"(14) To pay into the general fund all or any part of the proceeds of taxes which are, when collected, two or more years delinquent."

Sec. 2. All laws and clauses of laws conflicting with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. B. 108 **CHAPTER 36**

AN ACT AMENDING CHAPTER 176 OF THE SESSION LAWS OF 1955, AUTHORIZING THE COUNTY COMMISSIONERS OF GUILFORD COUNTY TO ASSIST IN FURNISHING FIRE PROTECTION TO COMMUNITIES OUTSIDE OF CITIES AND TOWNS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Lines four through eight, inclusive, of Section 1 of Chapter 176 of the 1955 Session Laws are hereby rewritten to read as follows:

"The Board of County Commissioners in carrying out the provisions of this Act shall not appropriate from tax and nontax revenues and expend an amount which, when added to the sums due to Guilford County from outstanding loans for rural fire protection, shall exceed the sum of one hundred thousand dollars ($100,000.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. B. 110 CHAPTER 37

AN ACT PROVIDING FOR THE ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE TOWN OF ROCKWELL, PROVIDING FOR PRIMARY ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That at the primary and municipal election held in the Town of Rockwell in 1967 and every two years thereafter there shall be nominated and elected in the Town of Rockwell by the qualified voters thereof a mayor who shall serve for a term of two years, beginning on July first after his election and until his successor is elected and qualified. Also at the primary and municipal election held in the Town of Rockwell in 1967 and every two years thereafter there shall be nominated and elected in the Town of Rockwell by the qualified voters thereof five aldermen who shall serve for a term of two years, beginning on July first after their election and until their successors are elected and qualified. The mayor and members of the board of aldermen shall be sworn into office at the meeting on the day that their terms begin.

Sec. 2. The primary election for nomination of mayor and members of the board of aldermen in the Town of Rockwell shall be held in said Town of Rockwell on the second Saturday preceding all general municipal elections. The judges and other officers of the general municipal election, appointed by the mayor and board of aldermen shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened, and closed at the same hours as are required for the general election.

Sec. 3. Any person desiring to become a candidate for nomination by the primary for the office of mayor or member of the board of aldermen, shall file not later than five o'clock p. m., on Tuesday before the day of primary, filing with the town clerk, a statement of such candidacy in substantially the following form:

STATE OF NORTH CAROLINA,
COUNTY OF ROWAN,

I, ..., hereby give notice that I reside in the Town of Rockwell, State of North Carolina; that I am a candidate for nomination to the office of ....., to be voted upon at the primary election to be held on the ..... day of ....., 19....., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

Witness: Signed:.....

.....

and he shall at the same time pay to the clerk to be turned over to the town treasurer the sum of three dollars ($3.00) if he is a candidate for mayor, or two dollars ($2.00) if he is a candidate for the board of aldermen. By noon of the following day after the time of the expiration for filing the petition of candidates, the town clerk shall cause to be posted in three public places in the Town of Rockwell the names of the persons filing and the offices they have filed for.

Sec. 4. The two candidates receiving the highest number of votes for mayor and the ten candidates receiving the highest number of votes for members of the board of aldermen shall be the nominees and the only candidates whose names shall be placed upon the ballot for mayor and members of the board of aldermen at the next succeeding general municipal election: Provided, however, that if there is only one candidate for mayor then said candidate is nominated for mayor and his name will appear on the general municipal election ballot: Provided, however, that if there are only ten candidates or less for the members of the board of aldermen who have filed their notice of candidacy in the primary, then said candidates are nominated for members of board of aldermen and their names will appear on the general primary ballot and they are so nominated without the necessity of a primary.

Sec. 5. The registration books for the primary to be held on the second Saturday preceding the general municipal election shall be opened on the fourth Saturday preceding the primary, and shall be closed at the end of the time for registration on the second Saturday before the primary. The Saturday before the primary shall be challenge day for the primary.

Sec. 6. During the period the registration book is open for the primary election all qualified voters whose names are not already on the registration books may apply to the registrar for registration between the hours of nine o'clock a. m. and five o'clock p. m., and on each Saturday during the period the registration book is open the registrar shall attend the polling places with the registration book between the hours of nine o'clock a. m. and nine o'clock p. m.

On challenge days the election officials will meet at the polling places and hear all challenges, if any, between the hours of nine o'clock a. m. and three o'clock p. m.

Sec. 7. The old registration books that are now being used shall be considered the registration books for all municipal elections.

Sec. 8. All primary municipal elections and general municipal elections shall be conducted, as far as practicable in all things and in all details, in accordance with Article 3, Chapter 160 of the General Statutes, except where the provisions of same are inconsistent with this Act.

Sec. 9. That Chapters 17 and 25, Session Laws of 1959, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. B. 133

CHAPTER 38

AN ACT TO AUTHORIZE THE TOWN OF WHITEVILLE TO CONVEY CERTAIN LAND TO THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 160-59 or any other provision of law, the Town Council of the Town of Whiteville is hereby empowered and authorized to convey at private sale to the State of North Carolina a certain tract of land in Columbus County, being more particularly described as follows: Being a tract or parcel of land lying in Whiteville Township, Columbus County, North Carolina, about a mile South of the Town of Brunswick and constituting a small portion of that tract of land conveyed by Whiteville Development Corporation to Town of Whiteville, by deed dated September 12, 1963, and recorded in Book 232, page 431, in the office of the Register of Deeds of Columbus County, and being particularly described as follows: BEGINNING at a concrete monument, the southwest corner of the parcel herein described, said monument being located North 38 degrees 38 minutes West 225.0 feet from a point in a base line of the runway as shown on the plat hereinafter referred to, said point in the base line being North 51 degrees 22 minutes East 1688.9 feet from the concrete monument or control corner shown on said map (said control corner being the southwestern corner of the original tract of land conveyed by the State of North Carolina to the Whiteville Development Corporation, by deed dated August 6, 1962 and recorded in Book 229, at page 349, in the Office of the Register of Deeds of Columbus County) and running thence from the beginning corner of the tract herein described North 38 degrees 38 minutes West 51.4 feet to another concrete monument (this being an original corner of the tract of land conveyed to the Town of Whiteville for an airport which was referred to above), thence continuing North 38 degrees 38 minutes West 165.0 feet to a concrete monument, thence North 12 degrees 38 minutes West 49.0 feet to a concrete monument; thence South 38 degrees 38 minutes East 260.4 feet to a concrete monument; thence South 51 degrees 22 minutes East 211.3 feet to the original beginning corner; containing 1.25 acres, more or less. Reference is made to a map of the lands above described made by Gillman G. Green, Jr. and dated July 12, 1966 from an actual survey made by him, said map being recorded in the Office of the Register of Deeds of Columbus County.

Sec. 2. With respect to the conveyance of land by the Town of Whiteville as authorized by this Act, the provisions of subsections (a) and (b) of G. S. 160-61.1 shall be applicable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

S. B. 4 **CHAPTER 39**

AN ACT TO DESIGNATE ARBOR WEEK IN NORTH CAROLINA.

WHEREAS, various programs of beautification, conservation and development has been launched in North Carolina; and

WHEREAS, it is desirable that the planting of seedlings and flowering shrubs be encouraged to promote the beautification and conservation of the vast and varied natural resources of North Carolina; and

WHEREAS, the designation of a particular week in each year as Arbor Week would encourage and draw public attention to a concerted effort by North Carolinians to beautify and conserve the State's resources by the planting of young trees and shrubs; and

WHEREAS, The Garden Club of North Carolina, Incorporated, has urged the designation of a certain week during each year as Arbor Week: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The week in March of each year containing March 15 is hereby designated as Arbor Week in North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

S. B. 27 **CHAPTER 40**

AN ACT TO EXEMPT A GUARDIAN FROM REQUIREMENT OF BOND UNTIL HE RECEIVES THE PROPERTY OF HIS WARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 33-12 is hereby amended by striking the period at the end of the Section, substituting therefor a semicolon, and adding the following words:

"provided, however, that when a guardian is appointed for an infant, idiot, lunatic, insane person or inebriate for the purpose of bringing an action on behalf of that infant, idiot, lunatic, insane person or inebriate and when there are no other assets in the ward's estate or other assets belonging to the minor in the State of North Carolina, such guardian shall not be required to give sufficient security until such time as the property is turned over to such guardian, at which time the guardian shall give sufficient security approved by a judge or the court to account for and apply the same under the directions of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, except that such laws shall continue in force and effect with respect to actions already filed by guardians who have obtained bonds before the effective date of this Act.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

S. B. 28

CHAPTER 41

AN ACT TO EXEMPT ADMINISTRATORS APPOINTED FOR THE PURPOSE OF BRINGING AN ACTION FOR WRONGFUL DEATH FROM THE REQUIREMENTS OF FURNISHING A BOND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-34 and G. S. 28-49 are both hereby amended by adding the following new paragraph to each:

"No provision in this Chapter shall be construed as requiring a bond of an administrator appointed solely for the purpose of bringing an action for the wrongful death of the deceased; such administrator shall be exempt from the requirements of a bond until such time as he shall receive property into the estate of the deceased."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed, except that such laws shall continue in force and effect with respect to bonds obtained by administrators prior to the effective date of this Act.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 131

CHAPTER 42

AN ACT TO AMEND GS 47-17.1, SO AS TO REQUIRE DOCUMENTS AND PAPERS TO BE PROBATED AND RECORDED TO DESIGNATE THE DRAFTSMAN THEREOF IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in line 13, immediately after the word "Buncombe" and before the word "Catawba", the word "Carteret".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 14

CHAPTER 43

AN ACT TO AMEND SECTIONS 105-306 (26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF TAX SUPERVISION OF BUNCOMBE COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN BUNCOMBE COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Tax Supervision for the County of Buncombe is hereby authorized and empowered to prescribe regulations of the type

and form of oath, or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Buncombe County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Authority is hereby granted to the Board of Tax Supervision for the County of Buncombe to divide, or combine, townships in Buncombe County for tax listing purposes. The Tax Supervisor of Buncombe County, with the approval of the Board of Tax Supervision, may appoint one or more list takers for each such unit so combined or divided.

Sec. 3. The provisions of G. S. 105-306 (26), G. S. 105-308, G. S. 105-309, and G. S. 105-310 shall be applicable to Buncombe County except insofar as they are inconsistent with regulations of the Board of Tax Supervision of Buncombe County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Buncombe County. If the Board of Tax Supervision of Buncombe County has adopted regulations relating to any matter covered by this Act, the listing in Buncombe County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of Tax Supervision.

Sec. 5. This Act shall apply only to Buncombe County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 16 CHAPTER 44

AN ACT TO AMEND GS 160-181.2, SO AS TO GRANT EXTRA-TERRITORIAL ZONING JURISDICTION TO THE TOWN OF CHOCOWINITY IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2 is hereby amended by adding at the end thereof the following: "The requirement that a municipality shall have a population of 1250 or more shall not apply to the Town of Chocowinity in Beaufort County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 29

CHAPTER 45

AN ACT TO AMEND GS 153-9(47) RELATING TO COUNTY PLUMBING INSPECTORS, SO AS TO MAKE THE SAME APPLICABLE TO BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(47) is hereby amended by inserting the word "Beaufort" immediately before the word "Bladen" in the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 70

CHAPTER 46

AN ACT TO AUTHORIZE THE TOWN OF EDENTON TO SELL THE OLD FIRE STATION ON SOUTH BROAD STREET TO THE CUPOLA HOUSE ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. The Town Council of the Town of Edenton in Chowan County is hereby authorized to sell the old Fire Station on South Broad Street in the Town of Edenton to the Cupola House Association for the sum of twelve thousand five hundred dollars ($12,500.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 81

CHAPTER 47

AN ACT TO INCREASE THE COMPENSATION OF THE CHAIRMEN AND MEMBERS OF THE JONES COUNTY BOARD OF COMMISSIONERS AND THE JONES COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The compensation of the chairmen of the Jones County Board of Commissioners and the Jones County Board of Education is hereby increased from fifty dollars ($50.00) to one hundred dollars ($100.00) per month each, and the compensation of each other member of the Jones County Board of Commissioners and the Jones County Board of Education is hereby increased from twenty-five dollars ($25.00) to seventy-five dollars ($75.00) per month each. This compensation shall be in addition to mileage allowances now authorized by law.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 99 CHAPTER 48

AN ACT TO AMEND CHAPTER 971 OF THE SESSION LAWS OF 1955, AS AMENDED, SO AS TO FIX THE SALARIES OF THE JUDGES OF THE MUNICIPAL-COUNTY COURT OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. Subsection (g) of Section 2 of Chapter 971 of the Session Laws of 1955, as amended by Section 4 of Chapter 683 of the Session Laws of 1965, is hereby amended by striking out the words and figures "thirteen thousand dollars ($13,000.00) per year" in lines 3 and 4 of said subsection (g) and inserting in lieu thereof the words and figures "fifteen thousand five hundred dollars ($15,500.00) per year", and by striking out the words and figures "twleve thousand dollars ($12,000.00) per year" in line 5 of said subsection (g) and inserting in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00) per year".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect retroactively to January 1, 1967.

In the General Assembly read three times and ratified, this the 14th day of March, 1967.

H. B. 31 CHAPTER 49

AN ACT TO REMOVE UNION COUNTY FROM THE SPECIAL SENTENCING PROVISIONS OF G. S. 14-107, WORTHLESS CHECKS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-107 is hereby amended by deleting from the list of counties in the last paragraph thereof, the word "Union", so that the sentencing provisions of the Section contained in brackets will not apply.

Sec. 2. This Act shall apply only to checks or drafts issued and delivered after March 31, 1967.

Sec. 3. This Act shall become effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. B. 129 **CHAPTER 50**

AN ACT TO AMEND G. S. 50-8, SO AS TO ELIMINATE THE REQUIREMENT IN ACTION FOR DIVORCE FROM BED AND BOARD, THAT THE GROUNDS FOR DIVORCE HAVE EXISTED FOR SIX MONTHS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 50-8, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting, immediately after the word "divorce" in line 6 thereof, the following: ", except in actions for divorce from bed and board,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. B. 145 **CHAPTER 51**

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF AYDEN.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Ayden are hereby extended so as to include the following additional described area within the corporate limits of the Town of Ayden:

"BEGINNING at a point where the present northern city limits of Ayden crosses East College Street extended and running thence with the present city limits in a westerly direction 1600 feet more or less to a corner in said boundary which corner is East of Blount Street; thence continuing with the present city limits in a northerly direction 980 feet more or less to another corner; thence continuing with the present city limits in a westerly direction 375 feet more or less to a corner; thence continuing with the present city limits in a northerly direction 200 feet more or less to another corner; thence continuing with the present city limits in a westerly direction to the center of the Atlantic Coast Line Railroad; thence with the Atlantic Coast Line Railroad, North 7 degrees 20 minutes East 1389 feet to a point in the northern property line of Hines Drive (County Road No. 1122); thence with the northern property line of Hines Drive the following courses and distances: North 86 degrees 24 minutes East, 100 feet; South 85 degrees 25 minutes East, 100 feet; South 83 degrees 41 minutes East, 100 feet; South 82 degrees 47 minutes East, 1090.5 feet to a point opposite the eastern property line of East College Street extended; thence with the eastern property line of East College Street (County Road No. 1721) 1897.5 feet to a concrete marker; thence continuing with the eastern property line of East College Street the following courses and distances: South 11 degrees 41 minutes East, 41 feet; South 09 degrees 56 minutes East, 100 feet; South 05 degrees 14 minutes East, 100 feet; South 00 degrees 21 minutes East, 100 feet; South 04 degrees

21 minutes West, 100 feet; South 05 degrees 45 minutes West, 352.6 feet to the BEGINNING, being the same property as is shown on that map made by Jack McDavid, Jr. and John R. Dixon, Jr., dated March, 1966, showing the proposed city limit extension, Town of Ayden, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. B. 183 CHAPTER 52

AN ACT TO CONFIRM, RATIFY AND VALIDATE CERTAIN CONVEYANCES OF LANDS BY THE TOWN OF NEWPORT, CARTERET COUNTY.

WHEREAS, the Town of Newport was authorized to convey certain lands by Chapter 86, Session Laws of 1955; and

WHEREAS, the Town of Newport conveyed a portion of said lands to William H. Bell, Jr., by deed dated February 3, 1960, recorded in Book 204, page 540, in the office of the Register of Deeds of Carteret County; and

WHEREAS, William H. Bell, Jr. and wife Bobbie J. Bell, conveyed certain lands to the Town of Newport by deed dated February 3, 1960, recorded in Book 204, page 537, office of the Register of Deeds of Carteret County, in exchange for the property conveyed to him by the Town of Newport; and

WHEREAS, the Town of Newport conveyed the lands, received from William H. Bell, Jr. and wife, to Moses C. Howard by deed dated February 25, 1960, recorded in Book 205, page 417, office of the Register of Deeds of Carteret County: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the action of the Board of Commissioners of the Town of Newport, in exchanging the land with William H. Bell, Jr., as shown in deed dated February 3, 1960, Book 204, page 540, and deed dated February 3, 1960, Book 204, page 537, office of the Register of Deeds of Carteret County, and the conveyance by the Town of Newport to Moses C. Howard, by deed dated February 25, 1960, Book 205, page 417, office of the Register of Deeds of Carteret County, is hereby in all respects ratified, confirmed and validated.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. B. 196 **CHAPTER 53**

AN ACT TO REPEAL GS 51-8.1, RELATING TO NONRESIDENTS APPLYING FOR MARRIAGE LICENSE FORTY-EIGHT HOURS BEFORE ISSUANCE IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-8.1, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. B. 64 **CHAPTER 54**

AN ACT TO AMEND CHAPTER 1040 OF THE SESSION LAWS OF 1945 RELATING TO COUNTY PLANNING BOARDS SO AS TO MAKE G. S. 153-9(40) APPLICABLE TO STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 1040 of the Session Laws of 1945 is hereby amended by striking out the words "Stanly County," in line two thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 107 **CHAPTER 55**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RED SPRINGS, BEING CHAPTER 1252 OF THE SESSION LAWS OF 1949, TO AUTHORIZE PAYMENT OF DELINQUENT TAXES INTO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1252, Session Laws of 1949, is hereby amended by inserting at the end of subsection (1) thereof the following sentence: "The board of commissioners may, in its discretion, direct the payment into the General Fund of all or any part of the proceeds of taxes which are, when collected, three (3) or more years delinquent."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 109

CHAPTER 56

AN ACT TO AUTHORIZE THE CITY OF LEXINGTON TO RELEASE ANY INTEREST IT MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING THE DIXIE FURNITURE COMPANY, INCORPORATED, TO CROSS A PART OF SOUTH SALISBURY STREET FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Lexington is hereby authorized and empowered by resolution, ordinance, or other proceedings deemed advisable and/or by the execution of such papers as may be necessary, to release the interest of the City of Lexington in and to that portion of South Salisbury Street adjoining the intersection of East Sixth Avenue and South Salisbury Street and South of said intersection, and lying and being between the present storage warehouse of the Dixie Furniture Company, Incorporated, located on the southeast side of South Salisbury Street and the present storage warehouse of said company located on the northwest side of South Salisbury Street, for the purpose of permitting the said Dixie Furniture Company, Incorporated, to extend its use of said warehouses on the southeast side of Salisbury Street and on the northwest side of said Salisbury Street by way of a tramway or catwalk over and across a small portion of South Salisbury Street, with a clearance for said tramway or catwalk of not less than eighteen feet at any point over and above South Salisbury Street, said tramway or catwalk to be constructed and used and said portion of South Salisbury Street to be crossed for the benefit of the Dixie Furniture Company, Incorporated, and its business, and generally for its private purposes, said ramp to be constructed according to the building code of the City of Lexington and State of North Carolina.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 125

CHAPTER 57

AN ACT TO AMEND CHAPTER 380 OF THE PRIVATE LAWS OF 1915, RELATING TO TERMS OF ALDERMEN AND THE CONDUCT OF ELECTIONS IN THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 380 of the Private Laws of 1915 is hereby amended by rewriting Sections 4 through 14 thereof to read as follows:

"Sec. 4. The governing body of the City shall consist of a Mayor and one Alderman from each of the seven wards, elected by the qualified voters of the City voting at large in non-partisan elections and in the manner provided by Sections 5 and 6.

"Sec. 5. Regular City elections shall be held biennially on the second Saturday after the first Monday in May, beginning in 1967. In each regular election there shall be elected a Mayor and seven Aldermen, one who resides in each of the seven wards.

"Sec. 6. In each regular biennial election, each qualified voter of the City shall be entitled to vote for one candidate for Mayor and for one candidate for Alderman from each ward. In each regular election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected, and the candidate for Alderman from each of the wards who receives the largest number of votes cast for candidates who reside in the ward wherein he resides shall be declared elected. In case of an equal number of votes between opposing candidates, the Board of Elections of Lee County shall determine the result by lot.

"Sec. 7. Following each regular election, the Mayor and Aldermen elected shall assume their offices on July 1 following the election. If said day shall fall on Sunday then they shall assume their offices on the Monday next following.

"Sec. 8. In the case of a vacancy for any reason in the office of Mayor or Alderman, the remaining members of the Board of Aldermen shall by majority vote fill the same for the remaining unexpired portion of the term. Vacancies in the office of Alderman shall be filled so as to retain one Alderman from each of the seven wards. Removal by any Alderman from the ward in which he resided at the time of his election shall ipso facto create a vacancy in the office of Alderman from such ward.

"Sec. 9. The Board of Elections of Lee County shall conduct all elections of the City, including regular elections, bond elections, and any other authorized special elections, called or requested by the Board of Aldermen of the City. Except as otherwise provided in this Act or as otherwise provided in general or local acts relating to bond elections or other special elections in the City, all City elections shall be conducted under the laws, rules, and regulations governing the conduct of general elections in Lee County. The City is hereby authorized to reimburse Lee County for the actual costs of conducting each election for the City.

"Sec. 10. In conducting City elections, the Board of Elections of Lee County shall use the registration books of Lee County, and all persons now or hereafter duly registered in such registration books, who live within the City, shall be entitled to vote in all City elections: Provided, the Board of Elections shall conduct a complete new registration of voters who live within the City prior to the 1967 regular City election. Such new registration shall be conducted at the Lee County Courthouse beginning on Monday, April 3, 1967, and ending at 6:00 o'clock p. m. Saturday, April 29, 1967. The Lee County Board of Elections shall upon request of the governing body of the City of Sanford send registrars or special registration commissioners into the wards and to the voting places at such hours and dates as shall be designated by said governing body of the City of Sanford. The Board of Elections shall determine the hours of registration on each day during the registration period, but no registration shall be conducted on Sundays. The Board of Elections shall cause a notice of such new registration to be published in a newspaper having general circulation

in the City at least once in each of the two calendar weeks immediately preceding the first day of registration. For such new registration, the Board of Elections may appoint as many qualified registrars, including special registrars, as necessary. The City shall reimburse Lee County for the cost of conducting such new registration. Existing City registration books and poll books shall no longer be used in City elections, and shall be impounded by the City Clerk.

"Sec. 11. The Board of Elections of Lee County shall, insofar as is practicable, establish and maintain its voting precincts located within the City so that no precinct boundary crosses the boundary of any City ward; provided, nothing herein shall be deemed to require that a separate voting precinct be established for, or within the boundaries of, each City ward.

"Sec. 12. The office labels used in voting machines in regular City elections shall be printed so that the names of candidates for Alderman are separated according to the wards in which they reside. At the top of each such separate portion of the office label shall appear the words 'For Alderman, (insert ordinal number) ward', and appearing immediately beneath such words on each separate portion of the office label shall appear the words 'Vote for one (1)'. Absentee ballots shall not be permitted in City elections.

"Sec. 13. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman shall file with the Board of Elections of Lee County a written statement giving notice of his candidacy. Such statement shall be filed not earlier than the ninth Monday and not later than five o'clock p. m. on the fifth Monday preceding the election at which he offers his candidacy, shall be accompanied by a filing fee of fifteen dollars ($15.00), and shall be in substantially the following form: 'I, ... do hereby give notice that I am a candidate for election to the office of (Mayor) (Alderman (insert ordinal number) ward), of the City of Sanford, to be voted upon at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of (the City of Sanford) (the (insert ordinal number) ward, City of Sanford), residing at .....

Signature

.....

Witness:.....'

Funds collected as filing fees shall be paid over to the City of Sanford.

"Sec. 14. None of the provisions of Article 3 of Chapter 160 of the General Statutes shall apply to elections in the City of Sanford."

Sec. 2. The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

(a) All of Section 2 of Chapter 95 of the Private Laws of 1931, except the last three lines thereof;

(b) Chapter 213, Private Laws of 1935;

(c) Sections 1 and 2 of Chapter 323, Public-Local Laws of 1939;

(d) Chapter 411 of the Public-Local Laws of 1939;

(e) Chapter 118 of the Public-Local Laws of 1941.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 126 CHAPTER 58

AN ACT RELATING TO MILEAGE ALLOWANCE FOR LEE COUNTY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Section 147-8 of the General Statutes of North Carolina, as the same applies to Lee County, is hereby amended by striking out the words "seven cents (7¢) per mile" appearing in the last two lines thereof and substituting in lieu thereof the following, "ten cents (10¢) per mile".

Sec. 2. Section 147-9 of the General Statutes of North Carolina, as the same applies to Lee County, is hereby amended by striking out the words "seven cents (7¢) per mile" appearing in line 6 thereof and substituting in lieu thereof the following, "ten cents (10¢) per mile".

Sec. 3. This Act shall apply only to Lee County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 161 CHAPTER 59

AN ACT TO AMEND G. S. 105-292, RELATING TO THE APPOINTMENT OF ASSISTANT COUNTY TAX SUPERVISORS, SO AS TO MAKE THE SAME APPLICABLE TO HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-292, as the same appears in Replacement 1965 Volume 2D of the General Statutes, is hereby amended by striking out the word "Hoke" appearing in the third line of the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the day of its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 162 **CHAPTER 60**

AN ACT AMENDING G. S. 153-8 RELATING TO THE MEETING PLACE OF THE BOARD OF COMMISSIONERS OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-8, as the same appears in Replacement 1964 Volume 3C of the General Statutes, is amended by inserting the words "or in the Conference Room in the Board of Education Building in Raeford, N. C.," after the word "courthouse" and before the word "on" in the second line thereof.

Sec. 2. The provisions of this Act shall apply only to the County of Hoke.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 163 **CHAPTER 61**

AN ACT CONFERRING UPON WAYNE COUNTY AND THE INCORPORATED MUNICIPALITIES THEREIN THE POWER AND AUTHORITY TO MERGE CERTAIN BRANCHES OR DEPARTMENTS OF COUNTY GOVERNMENT WITH SIMILAR BRANCHES OR DEPARTMENTS OF THE GOVERNMENT OF SAID MUNICIPALITIES, AND, BY AGREEMENT WITH THE MUNICIPALITIES THEREIN, TO PROVIDE FOR THE ORGANIZATION, OPERATION, MAINTENANCE AND CONTROL OF ANY GOVERNMENTAL DEPARTMENTS MERGED HEREUNDER AND FOR THE TERMINATION OF SUCH MERGER.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of providing a more efficient and economical administration of certain functions of government and to promote greater convenience to the citizens, the County of Wayne and any incorporated municipality located therein are hereby authorized and empowered to merge any branch or department of government of the County of Wayne with the similar branches or departments of any such municipality located therein.

Sec. 2. Any such merger of any branch or department of government and functions thereof shall take place only when approved by a majority of the members of the Board of Commissioners of Wayne County and a majority of the members of the governing body of the incorporated municipality involved.

Sec. 3. Provisions for the organization, operation, maintenance and control of any such merged branch or department of government shall, in respect to all matters including the sharing of the costs thereof and for the termination of such merger, be determined by agreement of the Board of Commissioners of Wayne County and the governing body of the incorporated municipality involved.

Sec. 4. Any branch or department of the government of Wayne County merged, as herein provided, with a similar branch or department of the government of any incorporated municipality therein, together with the duly appointed officers and employees thereof, shall be vested with all of the powers and charged with all of the obligations and penalties as is now and may from time to time be vested in and charged by law to such branch or department and officers and employees thereof where the same are separately operated by the respective governmental unit.

Sec. 5. If any provisions of this Act or the application thereof to any person or governmental branch or department or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of laws and all Charter provisions or clauses of Charter provisions in conflict with the purpose of this Act shall be and the same are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall apply only to Wayne County and the incorporated municipalities therein.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 174 CHAPTER 62

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO IMPOSE THE DUTIES OF TOWNSHIP TAX LISTER UPON THE TOWNSHIP TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Gaston County is authorized, in its discretion, to impose the duties of township tax lister upon the duly appointed tax collector of a township in lieu of appointing a tax lister, and the tax collector shall perform the duties of tax lister in addition to his regular duties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 178 CHAPTER 63

AN ACT TO AMEND CHAPTER 1004 OF THE 1965 SESSION LAWS AS THE SAME APPLIES TO DUPLIN COUNTY AND ITS SEVERAL MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. Amend Chapter 1004 of the 1965 Session Laws, Section 6, fourth paragraph, second line, by deleting the words "governmental

purpose" and add in lieu thereof the following language: "public purposes of the municipality."

Sec. 2. Amend Chapter 1004 of the 1965 Session Laws, Section 6, fifth paragraph, second line by deleting the words "governmental purpose" and adding in lieu thereof the following language: "public purpose of Duplin County".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

H. B. 194 CHAPTER 64

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO APPROPRIATE FOR THE USE OF ELIADA HOME FOR CHILDREN IN BUNCOMBE COUNTY A SUM NOT IN EXCESS OF TEN THOUSAND DOLLARS PER YEAR.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Buncombe County be and it is hereby authorized and empowered to appropriate and pay to the Eliada Home for Children in Buncombe County a sum which shall not be in excess of ten thousand dollars ($10,000.00) per year during each fiscal year of the biennium 1967-1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

S. B. 36 CHAPTER 65

AN ACT TO CREATE THE GOVERNOR'S COMMITTEE ON LAW AND ORDER.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Governor's Committee on Law and Order, the membership on which shall consist of the following:

The Governor of North Carolina,
The Attorney General,
The Director of the State Bureau of Investigation,
The Commissioner of Revenue,
The Commander of the Highway Patrol,
The Director of the Department of Administration,
The Chairman of the North Carolina Good Neighbor Council,
The Adjutant General of the North Carolina National Guard,
The Commissioner of Motor Vehicles,
One District Solicitor to be appointed by the Governor.

In addition, the Governor shall select a representative of the North Carolina Sheriffs' Association and a representative from the North Carolina Association of Chiefs of Police, and two alternates from each said Association, the Governor's selections being made in each case from a list of not less than six (6) recommendations which each Association shall make to the Governor not later than July 1 of each year. The representatives and alternates shall serve for terms of one (1) year from the date of their appointment, but shall be eligible for reappointment by the Governor. All other members shall serve during the tenure of their public office.

The Governor may also assign such members of his staff to the Committee as he may deem proper, who shall serve at his pleasure.

All the members of the Governor's Committee on Law and Order shall serve ex officio and shall perform their duties on the Committee in addition to their regular duties imposed by law.

The Governor shall be Chairman of the Committee, except that in the event he shall deem it advisable, he may name another member of the Committee to serve as Chairman at the pleasure of the Governor.

Sec. 2. Compensation of Members. The representatives of the North Carolina Association of Police Chiefs and the North Carolina Sheriffs' Association and their alternates shall not be paid any compensation, except such per diem and travel allowance as is allowed State Commissions and Boards, when in attendance at meetings of the Committee. No other member of the Committee shall receive any subsistence, per diem, travel or expense allowance, or any other compensation for service on the Committee.

Sec. 3. Duties of the Committee. The Committee shall:

1. Coordinate the activities of responsible State and local law enforcement agencies.

2. Make studies and recommendations for the improvement of law enforcement and criminal justice.

3. Encourage public support and respect for law and order, and

4. Seek ways to continue to make North Carolina a safe and secure State for its citizens.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 38 CHAPTER 66

AN ACT RELATING TO THE COMPENSATION OF THE REGISTER OF DEEDS OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Register of Deeds of Cabarrus County is hereby fixed at eight thousand five hundred dollars ($8,500.00) per year, payable in equal monthly installments out of the general fund of the County, for the performance of duties as Register of Deeds.

Sec. 2. The Board of County Commissioners of Cabarrus County is hereby authorized, in its discretion, to increase or decrease the fees and commissions, as now provided by law, which may be charged by the Register of Deeds of Cabarrus County, said increase or decrease not to exceed twenty per cent (20%) in any one fiscal year of the County. Action to increase or decrease such fees and commissions shall be taken by resolution of the Board of County Commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 39

CHAPTER 67

AN ACT TO FIX THE SALARY OF THE SHERIFF OF CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 980, Session Laws of 1963, is hereby amended to read as follows: "The Sheriff of Cabarrus County shall be paid an annual salary of nine thousand dollars ($9,000.00), payable in equal monthly installments, out of the general fund of the County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 53

CHAPTER 68

AN ACT TO AMEND G. S. 9-5 TO FIX THE COMPENSATION OF JURORS IN THE SUPERIOR COURT OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5, as the same appears in the 1965 Cumulative Supplement to Recompiled Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following sentence:

"Provided, however, that in Bladen County all jurors summoned for service in the Superior Court shall receive for their services the sum of ten dollars ($10.00) per day."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 61 **CHAPTER 69**

AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA BOARD OF SPACE AND TECHNOLOGY.

The General Assembly of North Carolina do enact:

Section 1. G. S. § 143-374 through G. S. § 143-383 are hereby amended by striking the word "Space" whenever it appears in the designations "North Carolina Space and Technology Research Center" and "North Carolina Board of Space and Technology" and substituting therefor the word "Science" so that the Center and Board are properly designated "North Carolina Science and Technology Research Center" and "North Carolina Board of Science and Technology" respectively.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 76 **CHAPTER 70**

AN ACT TO ESTABLISH THE NORTH CAROLINA AMERICAN REVOLUTION BICENTENNIAL COMMISSION.

WHEREAS, there is approaching the bicentennial of the American Revolution, in which North Carolina played a major and leading part that needs to be made better known both to our own citizens and to the nation at large, and

WHEREAS, the experience of our own State and of other States of the Union has proven in the past that several years of advance planning and effort are required in order to make such a commemorative celebration fully successful, and

WHEREAS, other States of the Union have already begun to take the necessary steps toward the suitable commemoration of this bicentennial, and

WHEREAS, it has been established that such commemorations are very much worthwhile in making our people conscious of the importance of their heritage:

Now, therefore, the General Assembly of North Carolina do enact:

Section 1. There is hereby established the North Carolina American Revolution Bicentennial Commission, which shall consist ex officio of the Director of the Department of Archives and History; the Director of the Department of Conservation and Development; the Superintendent of Public Instruction; the heads of the history departments (or equivalent departments) of the University of North Carolina at Chapel Hill, North Carolina State University, North Carolina College at Durham, East Carolina College, Western Carolina College, Appalachian State Teachers College, Wake Forest College, Duke University, and Davidson College; the State Regent of the Daughters of the American Revolution; and ten members to be appointed by the Governor, two for a term of one year, two for a

term of two years, two for a term of three years, two for a term of four years, and two for a term of five years, and as the terms of each group expire, their successors shall be appointed for full five-year terms. The Governor is authorized to fill any vacancies in the terms of any of the appointed members. Each ex officio member may appoint a deputy who shall be fully empowered to represent him on the Commission.

Sec. 2. The Commission shall make plans and develop programs for the celebration of the bicentennial of the American Revolution, and at the appropriate time or times shall conduct such celebration or series of celebrations.

Sec. 3. The members of the Commission shall serve without pay, but they shall be allowed, in attending to their official duties, their actual travel and subsistence expenses.

Sec. 4. In order to meet the expenses of the aforesaid Commission in attending to their official duties, in employing necessary personnel, and in meeting other necessary expenses, allotments may be made from the Contingency and Emergency Fund at such times and in such amounts as may be approved by the Governor and Council of State.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

H. B. 106 CHAPTER 71

AN ACT TO AMEND SECTION 22 OF THE CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA, 1949, AS AMENDED) BY ADDING AT THE END THEREOF SUBSECTION (66) RELATING TO REWARDS.

The General Assembly of North Carolina do enact:

Section 1. Section 22 of the Charter of the City of Raleigh (Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) is hereby amended by adding at the end thereof subsection (66) stating:

"(66). To offer and pay rewards in an amount not exceeding five hundred dollars ($500.00) for information leading to the arrest and conviction of any person or persons who: (a) willfully takes, defaces, damages or destroys property, either personal or real; or (b) willfully injures or takes the life of any person in the City of Raleigh; or (c) commits any felony in the City of Raleigh.

The Council shall fix the terms, conditions and amounts of such rewards and shall be the sole judge as to those persons entitled to receive any rewards offered. Such rewards shall be paid only by order of the Council out of nontax revenues."

Sec. 2. In cases involving minors, the term "conviction" as used in Section 1 shall include any punishment administered by a Juvenile or District Court.

Sec. 3. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

H. B. 112 CHAPTER 72

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF JAMESVILLE IN MARTIN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Jamesville, Martin County, North Carolina, as set forth in Chapter 596, Section 2, Session Laws of 1945, are hereby extended to include the following described additional territory, to wit:

"BEGINNING at Grindle Ditch on the Roanoke River, then North 70 degrees West 195 feet, thence South 75 degrees West 1815 feet, then South 7 degrees West 4000 feet to the center of U. S. Highway 64 where a culvert is located, then South 7 degrees West 373 feet, then South 41 degrees East 2625 feet to a point in the center of the Atlantic Coast Line Railroad, where a culvert runs under said railroad 1565 feet West of Saint Andrews Street, then South 31 degrees 30 minutes West 1250 feet, then South 31 degrees East 2100 feet to the center of Cooper Swamp Bridge, then North 81 degrees 30 minutes East 2800 feet to Jamesville and Washington Railroad bed, then North 11 degrees East 2200 feet along said roadbed to the center of the Atlantic Coast Line Railroad, then North 65 degrees East 2379 feet to a point, a culvert which runs under U. S. Highway No. 64, then North 25 degrees 30 minutes East 430 feet, then North 15 degrees 30 minutes East 175 feet, then North 3 degrees East 650 feet to Roanoke River; then up Roanoke River to the point of BEGINNING."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

H. B. 164 CHAPTER 73

AN ACT TO AMEND G. S. 153-9, SUBDIVISION (47), RELATING TO COUNTY PLUMBING INSPECTORS, SO AS TO MAKE THE SAME APPLICABLE TO WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (47) of G. S. 153-9, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking

out the word "and" after the word "Transylvania" and inserting a comma in lieu thereof and by inserting the words "and Wayne" after the word "Wake", all in line four of the second paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

H. B. 167 CHAPTER 74

AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO, THE SAME BEING CHAPTER 37, PRIVATE LAWS OF 1923, AS AMENDED, AND PARTICULARLY AS REVISED AND REORGANIZED BY CHAPTER 1137, SESSION LAWS OF 1959, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. Section 2.21(a) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby amended by repealing the words "tenth day preceding the day of the primary election" appearing in line 13 of said subsection and substituting in lieu thereof the words "second Friday preceding the day of the primary election."

Sec. 2. Section 2.21(a) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is hereby further amended by adding at the end thereof a new paragraph to read as follows:

"Any candidate who desires to withdraw his candidacy shall cause written notice to be served upon the City Clerk no later than 5:00 P. M. on the second Friday preceding the date of the primary election. Should there be no primary election required, then notice of withdrawal shall be filed in accordance with the provisions of G. S. 163-154."

Sec. 3. Section 3.03 of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended by Section 6, Chapter 55, Session Laws of 1963, is amended by striking out the words and figures "three thousand six hundred dollars ($3,600.00)" as the same appear therein and substituting in lieu thereof the words and figures "four thousand eight hundred dollars ($4,800.00)"; and by striking out the words and figures "one thousand eight hundred dollars ($1,800.00)" as the same appear therein and substituting in lieu thereof the words and figures "two thousand four hundred dollars ($2,400.00)."

Sec. 4. Section 4.31(b) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by rewriting the first sentence thereof to read as follows:

"For the purpose of enforcing North Carolina State laws, city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process, the chief of police and each member of the police force shall have the powers of peace officers vested in sheriffs and constables."

Sec. 5. Section 4.33 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by repealing the letters and figures "G. S. 148-79" appearing in line 3 of said Section and substituting in lieu thereof the letters and figures "G. S. 114-19."

Sec. 6. Section 4.111 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, is amended by rewriting said Section to read as follows:

"Section 4.111. Contract procedures.

"All contracts, except as otherwise provided for in this Charter, shall be authorized and approved by the Council and reduced to writing in order to be binding upon the City. All contracts and all ordinances or resolutions authorizing the same shall be drawn by the City Attorney or shall be approved by him before authorization by the Council. A contract for the purchase of apparatus, supplies, materials or equipment may be approved, awarded and executed by the City Manager on behalf of the City provided that the Council shall have previously approved a sufficient appropriation in the annual budget for the current fiscal year. Before any such contract is awarded, the City Manager shall comply with all other requirements set forth in G. S. 143-129 and G. S. 143-131, and said contract shall be subject to the approval of the City Attorney. Any person aggrieved by an award made pursuant to this Section may appeal to the City Council by filing notice thereof with the City Clerk immediately following a decision granting such award."

Sec. 7. Chapter III, subchapter D, of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by inserting therein a new Section following Section 4.111 to read as follows:

"Section 4.112. Purchase of repair parts for specialized equipment.

"All contracts authorizing the purchase of repair parts for specialized equipment for which there is only one known manufacturer and supplier shall be made only after an informal bid has been secured, without regard to the maximum limits set forth in G. S. 143-129 and G. S. 143-131."

Sec. 8. Section 4.125(c) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by repealing the words "to be used for dwelling purposes" appearing in line 3 of said subsection.

Sec. 9. Section 4.131 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by rewriting the first sentence thereof to read as follows:

"Any officer, department head or employee who has financial interest, direct or indirect, in any proposed contract with the City or in a proposed sale of any land, material, supplies, or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such contract or sale."

Sec. 10. Section 5.41 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, is amended by adding a new paragraph at the end thereof as follows:

"In the regulation of the trades of plumbing, electrical, heating and air conditioning work, the City Council may require each person so engaged or employed to stand an examination and may charge a reasonable fee therefor."

Sec. 11. Section 5.62(b) of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by repealing the words "two but not more than four" appearing in line 1 of said subsection and substituting in lieu thereof the words "one but not more than three."

Sec. 12. Section 5.62 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by inserting therein a new subsection following subsection (f) as follows:

"(g) At least one but not more than three members of the Greensboro Zoning Commission, authorized by G. S. 160-177, shall be citizens and residents of the territory beyond the corporate limits of Greensboro and within one mile thereof. Members appointed from the territory beyond the corporate limits of the City of Greensboro shall be appointed in the same manner and shall have the same powers and duties as the other members of the Greensboro Zoning Commission, and the laws, ordinances, rules and regulations applicable to the members of the Greensboro Zoning Commission shall be applicable to said members."

Sec. 13. Section 5.63 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by inserting therein a new subsection following subsection (b) as follows:

"(c) No subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the City of Greensboro acting by and through such board or agency thereof as is designated by ordinance adopted by the City Council and such approval entered in writing on the plat by the City Clerk."

Sec. 14. Section 5.74 of the Charter of the City of Greensboro as set forth in Section 12, Chapter 686, Session Laws of 1961, as amended, is amended by inserting therein a new subsection following subsection (e) as follows:

"(f) If a person fails to comply with an order of the Building Inspector or, upon appeal, an order of the Housing Commission to repair, alter, improve, vacate, close or demolish a building or dwelling, the Building Inspector may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided that the duties of the Building Inspector as set forth herein shall not be exercised until the Housing Commission shall have, by resolution or other written decree, ordered the Inspector to proceed to effectuate the above purposes with respect to the particular property or properties involved."

Sec. 15. Section 6.41 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by inserting therein a new subsection following subsection (b) as follows:

"(c) With respect to the use of city-owned or leased parks, playgrounds and recreation areas, the Council may: (1) Adopt rules and regulations concerning the use of such property and facilities located thereon and fix charges for camping and boating in addition to any other charges the Council may deem appropriate.

(2) Employ park rangers to enforce any such rules and regulations and any rangers so employed shall, upon taking a proper oath, have all of the powers of peace officers, including the power of arrest, for the purpose, and no other, of enforcing Federal and State laws and ordinances, rules and regulations of the City pertaining to parks and recreation areas; provided, that such park rangers shall not be police officers of the City nor shall they be eligible for membership in the Law Enforcement Officers Benefit and Retirement Fund or the Greensboro Police Emergency Fund.

(3) Exercise all other rights and privileges incident to the ownership or use of such properties."

Sec. 16. Chapter VI, subchapter A of the Charter of the City of Greensboro, as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by adding a new Article following Article 7 as follows:

"ARTICLE 8. LIBRARY BOARD OF TRUSTEES

Section 6.87. Powers and duties of the Board of Trustees of the Greensboro Public Library.

The Board of Trustees of the Greensboro Public Library shall elect one of its members as chairman. It may also elect a secretary and a treasurer and such other officers as it may deem necessary, either from the members of the Board or from the employees of the library. The duties of the Board shall be as follows:

(a) To adopt such bylaws, rules and regulations for its own guidance and for the government of the library as may be necessary and in conformity with the law.

(b) To supervise and care for the physical facilities constructed, leased or set apart for library purposes.

(c) To advise and make recommendations to the City Council concerning the lease or purchase and occupancy of appropriate building or buildings, or the erection of appropriate building or buildings upon lands acquired by gift, devise or purchase.

(d) To make recommendations to the City Manager concerning the appointment of a chief librarian or director of library services, assistant librarians and other employees, and the removal of such librarians or employees; provided, that no vacancies existing or occurring in the position of chief librarian or director in any such library shall be filled by the appointment or designation of any person who is not certified as a professional librarian by the North Carolina Library Certification Board under the provisions of G. S. 125-9 or G. S. 125-10.

(e) To make recommendations concerning the annual budget for the library to the City Manager and City Council.

(f) With the consent of the City Council extend the privileges and use of such library to nonresidents of the county or municipality, upon such terms and conditions as it may prescribe.

(g) To submit an annual report to the City Council with a copy thereof filed with the North Carolina State Library Board.

(h) To perform such other duties as may be assigned to it from time to time by the City Council.

Section 6.88. In lieu of other powers conferred by general law. The above powers and duties are in lieu of those powers and duties set out under G. S. 160-70 and are not intended to be supplementary thereto."

Sec. 17. Section 6.109 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by repealing the entire fourth sentence contained therein including that portion of the sentence following the semicolon.

Sec. 18. Section 6.112 of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by adding a new paragraph at the end thereof as follows:

"The City may, at any time following appeal, cause to be filed with the Clerk of the Superior Court a deposit of the sum of money estimated by the City to be just compensation for the taking. All condemnation proceedings instituted hereunder in which an appeal has been taken shall be preferred cases and shall be entitled to precedence over all other civil cases."

Sec. 19. Chapter VI, subchapter B of the Charter of the City of Greensboro as set forth in Section 1, Chapter 1137, Session Laws of 1959, as amended, is amended by inserting therein a new Section following Section 6.119 to read as follows:

"Section 6.120. Interest as a part of compensation. (a) To the amount awarded as damages through the Superior Court, the judge shall, as a part of just compensation, add interest at the rate of six per cent (6%) per annum on said amount from the date of taking to the date of judgment; but interest shall not be allowed from the date of deposit on so much thereof as shall have been paid into the court as provided in this Article.

(b) If the city so elects to make deposit as provided herein, the owner, owners or parties in interest may apply to the Clerk of the Superior Court for disbursement of the money deposited in the court, or any part thereof, as full compensation, or as a credit against just compensation without prejudice to further proceedings in the cause to determine just compensation. Upon such application, the clerk shall order that the money deposited be paid forthwith to the person entitled thereto in accordance with the application. The clerk shall have power to make such orders with respect to encumbrances, liens, rents, taxes, assessments, insurance and other charges, if any, as shall be just and equitable."

Sec. 20. All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be valid.

Sec. 21. All proceedings of the City Council of the City of Greensboro and all work performed relative to local improvements, including street paving, sidewalk construction, water and sanitary sewer construction, including water and sanitary sewer mains, lines and laterals, and all work incidental to such local improvements and the assessments levied and assessed therefor, are hereby in all respects approved and validated.

Sec. 22. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 23. This Act shall be in full force and effect from and after its ratification with the exception of Section 3 which shall be in full force and effect from and after June 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

H. B. 195 CHAPTER 75

AN ACT TO CORRECT AND CONFIRM THE CORPORATE LIMITS OF THE TOWN OF KENLY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 185 of the Private Laws of 1909 is hereby rewritten to read as follows:

"Sec. 3. The corporate limits of the Town of Kenly shall be as follows: BEGINNING at a point in the center of the Atlantic Coast Line Railroad where a canal crosses said railroad, said point being South 65 degrees 20 minutes West 2026.35 feet from a point formed by the intersection of the center line of Second Street and the center line of the southbound track of the Atlantic Coast Line Railroad, and the line runs thence with said canal as follows: North 11 degrees 41 minutes East 193.73 feet, North 15 degrees 57 minutes West 244.96 feet, North 15 degrees 21 minutes West 229 feet, North 15 degrees 19 minutes West 244.33 feet, North 31 degrees 26 minutes West 269.85 feet, North 11 degrees 45 minutes East 406.90 feet, North 04 degrees 32 minutes East 80.8 feet, North 04 degrees 27 minutes East 303.48 feet, and North 29 degrees 49 minutes East 380 feet to a concrete marker; thence North 65 degrees 20 minutes East 2948.10 feet, crossing Second Street, to a stake in the East margin of Hooks Street; thence with the East margin of Hooks Street South 24 degrees 40 minutes East, crossing U. S. Highway No. 301 and the Atlantic Coast Line Railroad, 2913.41 feet to a point in the center of Tilghman Street; thence South 05 degrees 06 minutes West 1506.65 feet to a concrete marker; thence South 76 degrees 50 minutes West 3200 feet to a point in Fremont Street; thence North 24 degrees 10 minutes West 1584.93 feet to the BEGINNING."

Sec. 2. All actions and proceedings of the Mayor and Board of Commissioners of the Town of Kenly had and taken prior to the ratification of this Act are hereby in all respects legalized, ratified, approved, validated and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1967.

S. B. 10 **CHAPTER 76**

AN ACT REPEALING CERTAIN SECTIONS OF CHAPTER 78 OF THE PRIVATE LAWS OF 1931 AND RESTORING NONPARTISAN CITY ELECTIONS IN THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 231 of the Private Laws of 1927 is hereby amended by inserting therein four new Sections, to be designated as Sections 21, 22, 24, and 25, respectively, and to read as follows:

"Sec. 21. All candidates for councilman or other elective office, to be voted for at any regular municipal election, shall file notice of candidacy as hereinafter provided. No names shall be placed upon the official ballot for any regular election other than the names of those who have filed timely notice of candidacy as hereinafter prescribed.

"Sec. 22. Any qualified person desiring to become a candidate for the office of councilman or any other elective office shall, at least ten days prior to the day of election, file with the City Clerk a notice of such candidacy, in substantially the following form:

'State of North Carolina
County of Rowan.

'I, ..., being first duly sworn, say that I reside at ..... Street, City of Salisbury, County of Rowan, State of North Carolina; that I am a candidate for the office of councilman (or other office), to be voted upon at the regular election to be held on ....., and I hereby request that my name be printed upon the official ballot for such office.

Signed.....

'Subscribed and sworn to (or affirmed) before me by ..... on this ..... day of ....., 19.....

Signed.....'

"Such notice shall be accompanied by payment to the City Clerk of a filing fee of five dollars ($5.00), to be turned over to the City Treasurer."

"Sec. 24. Upon the expiration of the time for filing notices of candidacy, the City Clerk shall cause ballots to be printed as herein provided, authenticated with a facsimile of his signature. Upon the ballots, the names of candidates for councilmen, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the list of candidates for councilmen shall be placed the words, 'Vote for Five'. Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for such other elective offices as may be provided by law, properly designated.

"The ballots shall be printed upon plain, substantial white paper, and shall be headed:

'Candidates for election as councilmen (and other offices) of the City of Salisbury, North Carolina, at the regular municipal election,' but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

'Place a cross in the square preceding the names of the candidates you favor for the respective positions.

'Official municipal ballot, candidates for councilmen (and other offices) of the City of Salisbury, North Carolina, at the regular municipal election.

'For Councilmen (names of candidates), vote for five.

'Official ballot

Attest: Signature .....(City Clerk).....'

"Sec. 25. All municipal elections held in the City of Salisbury shall be conducted in accordance with the provisions of Article 3 of Chapter 160 of the General Statutes of North Carolina, relating to municipal elections, except as otherwise provided in this Act."

Sec. 2. Sections 1 through 10 of Chapter 78 of the Private Laws of 1931, and Chapter 777 of the Session Laws of 1955, are hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

H. B. 22 CHAPTER 77

AN ACT RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA, RELATING TO SUCCESSION TO THE PRESIDENCY AND VICE PRESIDENCY AND TO CASES WHERE THE PRESIDENT IS UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE.

WHEREAS, the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), propose the following amendment to the Constitution of the United States of America, to become valid as part of the said Constitution when ratified by the legislatures of the several states, in words as follows, to-wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following Article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

'Article

'Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

'Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

'Sec. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

'Sec. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

'Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as the Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office.' ": Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said proposed amendment to the Constitution of the United States of America set out in the preamble to this Act be, and the same is, hereby ratified by the General Assembly of the State of North Carolina.

Sec. 2. That certified copies of this preamble and Act be forwarded by the Governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

H. B. 165 **CHAPTER 78**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF WILSON IN ITS DISCRETION TO SUBMIT TO THE PEOPLE OF THE CITY OF WILSON THE QUESTION OF WHETHER OR NOT THE BOARD OF COMMISSIONERS OF THE CITY OF WILSON SHOULD ENACT A SUNDAY CLOSING ORDINANCE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the City of Wilson is hereby authorized in its discretion to submit to the people of the City of

Wilson the question of whether or not the Board of Commissioners of the City of Wilson should enact a Sunday closing ordinance. Such election or referendum shall be held at the general municipal election in May 1967 and shall be held under the election provisions as contained in the Charter of the City of Wilson and shall in substance submit the question of whether the electors of the City of Wilson are for the enactment of a Sunday closing ordinance or whether the electors of the City of Wilson are against the enactment of a Sunday closing ordinance. The results of such election shall not be binding upon the Board of Commissioners, but it may thenceforth exercise its legislative discretion in enacting or declining to enact a Sunday closing ordinance, or in amending or repealing such ordinance if the same be at any time enacted.

The judges and other officers of election appointed for the general municipal election shall be the same for the election or referendum herein provided. Such election or referendum shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls shall be opened and closed at the same hours as are required for the general election.

Sec. 2. This Act shall apply to the City of Wilson in Wilson County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

H. B. 234 CHAPTER 79

AN ACT TO AMEND CHAPTER 539 OF THE SESSION LAWS OF 1943 RELATING TO ELECTIONS IN THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

Section 1. Chapter 539 of the Session Laws of 1943, as amended, is hereby further amended by rewriting Sections 3, 4, and 5 thereof to read as follows:

"Sec. 3. The governing body shall consist of a Mayor and four (4) Commissioners, elected by and from the qualified voters of the town voting at large. Regular elections for the offices of Mayor, Town Constable and members of the Board of Commissioners shall be held biennially on the Tuesday after the first Monday in May, beginning in 1967. In each biennial election, there shall be elected a Mayor and a Town Constable to serve for terms of two (2) years each, or until their successors are elected and qualified, and two (2) Commissioners to serve for terms of four (4) years, or until their successors are elected and qualified: provided, that in the regular 1967 election there shall be elected four (4) Commissioners, and the two (2) candidates for Commissioner who receive the largest numbers of votes cast for Commissioner shall serve for terms of four (4) years or until their successors are elected and qualified, and the two (2) candidates for Commissioner who receive the next largest numbers of

votes cast for Commissioner shall serve for terms of two (2) years or until their successors are elected and qualified. Except as provided in this Act, town elections shall be conducted in accordance with the general laws relating to municipal elections.

"Sec. 4. The registration book shall be opened at nine o'clock a. m. on the fourth Friday preceding the day of election, and shall close at six o'clock p. m. on the second Friday preceding the day of election. The registrar shall keep the registration book at the polling place from nine o'clock a. m. until six o'clock p. m. on each Saturday during the registration period. The second Saturday preceding the day of election shall be challenge day.

"Candidates for town offices shall file with the Town Clerk notice of candidacy not earlier than ten o'clock a. m. on the first Monday in April and not later than six o'clock p. m. on the third Monday in April preceding the town election in May; such notice shall be accompanied by payment of a filing fee in such amount as may be fixed by the Board of Commissioners.

"Town elections shall be conducted by a registrar and two judges of election appointed by the Board of Commissioners to serve at the Board's pleasure. The compensation of the registrar and judges shall be fixed by the Board of Commissioners.

"The ballots to be used in town elections shall be prepared by or at the direction of the Town Clerk, under his signature, and shall be presented by him to the registrar for use on the day of election.

"Sec. 5. On Wednesday following each town election, the registrar and judges shall canvass the vote and shall make return thereof, under their hands and seals, to the Town Clerk, who shall retain said return and make a permanent record thereof in the official minutes of the town, and shall post a copy thereof at the Town Hall for a period of at least ten (10) days beginning on Wednesday following the day of election."

Sec. 2. The following Acts and portions of Acts are hereby repealed:

(a) Sections 1, 2, and 3 of Chapter 404 of the Session Laws of 1947;

(b) Section 1 of Chapter 316 of the Session Laws of 1955;

(c) Chapter 529 of the Session Laws of 1961;

(d) Chapter 588 of the Session Laws of 1961.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

S. B. 68

CHAPTER 80

AN ACT TO AMEND G. S. 153-9 TO GRANT TO BOARDS OF COUNTY COMMISSIONERS THE SAME AUTHORITY AS NOW GRANTED TO MUNICIPALITIES TO REGULATE ITINERANT MERCHANTS, PEDDLERS, HAWKERS AND SOLICITORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 is hereby amended by adding thereto the following subdivision, immediately following subdivision (20):

(20a) To Prohibit or Regulate Itinerant Merchants, Peddlers, Hawkers and Solicitors. In that portion of the county lying outside the jurisdiction of an incorporated city or town, to prohibit or to regulate itinerant merchants, peddlers, hawkers and solicitors. Such regulations may include, but shall not be limited to, requirements that an application be submitted, that a permit be issued, that an investigation be made, that such activities be reasonably limited as to time and area, that proper credentials and proof of financial stability be submitted, and that an adequate bond be posted to protect the public from fraud; provided, that the board of county commissioners may make such regulations applicable within the jurisdiction of any incorporated city or town whose governing body, by resolution, consents to such regulations and until such time as such consent may, by resolution, be withdrawn.

Sec. 2. This Act shall apply to all counties as required by Article II, Section 29, of the Constitution of North Carolina.

Sec. 2½. If any person, firm or corporation shall violate any regulation or ordinance adopted pursuant to this Act, such person, firm or corporation shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, provided no local Act relating to the practice of palmistry, fortune telling or clairvoyance shall be repealed by this Act.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

S. B. 102 CHAPTER 81

AN ACT TO REVISE THE DIVISION LINE BETWEEN NEWTON AND CONOVER FOR THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION.

WHEREAS, the City of Newton and the Town of Conover have changed the boundaries of their corporate limits by annexation; and

WHEREAS, the division line between the said two communities for purposes of assignment of students to the Conover Elementary School and the Thornton Elementary School has thereby been changed necessitating a re-definition and revision of the division line to conform therewith; and

WHEREAS, it is necessary that a private bill be introduced and passed in the General Assembly of North Carolina to effectuate such revision: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 200 of the Private Laws of North Carolina Session of 1935, as amended, be further amended by deleting subparagraph "(b)" and that the following be enacted in lieu thereof and constitute the division line between Newton and Conover for purposes of the election of members of the Board of Education:

"(b) For the purpose of conducting the elections herein provided for, the division and boundary line separating the said Old Conover Special

School Tax District and the Old Newton Graded School District is hereby established and re-defined as follows:

BEGINNING at the intersection of the Newton School District-Startown School District line and the St. Pauls Church-Conover paved road North of Queen's Store, now St. Pauls Grocery, as shown on a map designated as 'Map 50N', in the office of the Tax Supervisor of Catawba County, and runs thence southeastward crossing the lands of Arthur Little, Charlie B. Bolick, Ira E. Bolick and Percy C. Little, to a corner of Percy C. Little where his line intersects Hildebran Creek West of U. S. Highway No. 321 By-pass and in the western corporate limit line of the City of Newton; thence up said branch in a northerly direction as it meanders with the western boundary of the corporate limits of the City of Newton to the point of intersection with a branch, a corner of the corporate limits of the City of Newton; thence continuing with the western boundary of the corporate limits of the City of Newton North 17 degrees 41 minutes East 735 feet to a concrete monument, a corner of the corporate limits of the City of Newton; thence continuing with the western boundary of the corporate limits of the City of Newton North 17 degrees 45 minutes East 1750 feet to a concrete monument, the northwestern corner of the corporate limits of the City of Newton; thence following the northern boundary of the corporate limits of the City of Newton crossing U. S. Highway No. 321 and N. C. State Highway No. 16 to the point of intersection of the northern corporate limit line of the City of Newton with the Southern Railroad main line track, a corner of the corporate limits of the Town of Conover; thence southward with the Southern Railroad main line track to another common corner of the corporate limits of the City of Newton and the Town of Conover; thence with the common boundary and division line between the Town of Conover and the City of Newton in an easterly direction as it meanders its various courses and distances to the point of intersection with the West branch of McLins Creek; thence down said branch of McLins Creek as it meanders along the corporate limits of the Town of Conover to a corner in McLins Creek corner of the corporate limits of the Town of Conover; thence leaving the creek and following the boundary of the corporate limits of the Town of Conover its various courses and distances eastward to the southeast corner of the Thornburg-Surrat Subdivision as shown on plat recorded in Book of Plats 11, page 70, Catawba County Registry; thence southeastward a distance 2275 feet to the common corner of Lee Thornburg, Dolan McCombs and H. L. Arndt in the East branch of McLins Creek in a northerly direction as it meanders to the point of intersection of the Newton-Conover School District line with Secondary Road No. 1739 (1st Street, S. E. Extension). All voters residing North of the foregoing line shall vote in the Conover District and all voters residing South of the foregoing line shall vote in the Newton District."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

S. B. 142 **CHAPTER 82**

AN ACT VALIDATING CERTAIN INCREASES IN COMPENSATION IN THE SALARY OR TRAVEL ALLOWANCE OF THE SHERIFF AND DEPUTY SHERIFFS OF BLADEN COUNTY BY THE BOARD OF COUNTY COMMISSIONERS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any action heretofore taken by the Bladen County Board of Commissioners purporting to increase the salary, travel allowance, or other compensation of the sheriff or deputy sheriffs of Bladen County is hereby validated in every respect notwithstanding any limitation in law existing at the time of such action and the same shall be as fully effective as if authorized by law at the time the action was taken.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

H. B. 193 **CHAPTER 83**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO CALL A SPECIAL OR GENERAL ELECTION TO AUTHORIZE THE LEVY OF AN ADDITIONAL SUPPLEMENTAL TAX OF FORTY CENTS ON EACH ONE HUNDRED DOLLARS VALUATION OF TAXABLE PROPERTY IN BUNCOMBE COUNTY TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, SUPPORT AND OPERATION OF THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE AND COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Buncombe County is authorized and empowered to call a special election to submit to a vote of the qualified registered voters of Buncombe County the question of levying and collecting annually an ad valorem tax which shall be an additional supplemental tax of not more than forty cents (40¢) on each one hundred dollars ($100.00) valuation of taxable property in Buncombe County to provide for the construction, maintenance, support and operation of the public schools of the City of Asheville and the County of Buncombe.

Sec. 2. There shall be no new registration of voters of Buncombe County for such election. The registration books shall be open only for the purpose of registration of new voters in Buncombe County as provided by the general election laws for the election of members of the General Assembly, and no other question or issue shall be submitted to the voters in said election. If the additional tax levy be approved by a majority of qualified voters who shall vote on such question, the Board of County Commissioners of Buncombe County is authorized to levy and collect such additional tax not to exceed forty cents (40¢) on each one hundred dollars ($100.00) valuation of taxable property in Buncombe County. The amount

of said tax to be levied and collected annually shall be decided by the Board of County Commissioners of Buncombe County and included in each year's budget. The General Assembly does hereby give its special approval to the levy of the tax for the purposes referred to in this Act.

Sec. 3. If the approval by a majority of the qualified voters who vote on such question is obtained, the levy may be made for the taxable year next beginning after such election and the supplemental tax so collected shall be apportioned between the Buncombe County Board of Education and the Asheville City Board of Education on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit involved. In the event the approval of a majority of the qualified voters who shall vote on such question is obtained in such election, that portion of the supplemental tax collected during the first fiscal year in which said tax is levied and apportioned to the Buncombe County Board of Education may be used by the said Buncombe County Board of Education for the construction or improvement of school buildings or other capital expenditures, and all other taxes collected and apportioned shall be used to supplement any item of expenditure in the school budgets.

Sec. 4. In the event the approval of a majority of the qualified voters who shall vote on such question in said election is not obtained, the presently existing supplemental school taxes previously authorized for the benefit of any administrative unit, district or other school area shall not be impaired and the Board of County Commissioners is hereby authorized in such event to continue to levy and collect such taxes.

Sec. 5. The special election provided for in this Act may be held at any time prior to January 1, 1969, after the effective date of this Act and shall be conducted by the Buncombe County Board of Elections under the applicable provisions of the general election laws of the State providing for the election of members of the General Assembly, and the time of calling said election is to be determined by the Board of County Commissioners of Buncombe County if the authority granted hereby is exercised.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; however, the powers granted by this Act are in addition to and not in substitution for existing powers heretofore granted to Buncombe County and the Board of County Commissioners thereof.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

S. B. 80 CHAPTER 84

AN ACT TO AMEND THE WORKMEN'S COMPENSATION ACT, REGARDING BENEFITS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-29 is hereby amended as follows:

(a) In lines 5 and 6 of such Section, the words and figures "thirty-seven dollars and fifty cents ($37.50)" are hereby stricken out, and there is

substituted in lieu thereof the words and figures "forty-two dollars ($42.00)."

(b) In line 8 of such Section, the word "twelve" is hereby stricken out and the word "fifteen" is inserted in lieu thereof.

(c) In line 14 of such Section, the word "twelve" is hereby stricken out and the word "fifteen" is inserted in lieu thereof.

(d) In line 17 of such Section, the word "twelve" is hereby stricken out and the word "fifteen" is inserted in lieu thereof.

(e) In line 19 of such Section, the word "twelve" is hereby stricken out and the word "fifteen" is hereby inserted in lieu thereof.

(f) In line 19 of such Section, the word "four" is hereby stricken out and there is substituted in lieu thereof the word "five."

(g) In line 23 of such Section, the words and figures "thirty-seven dollars and fifty cents ($37.50)" are hereby stricken out, and there is substituted in lieu thereof the words and figures "forty-two dollars ($42.00)".

Sec. 2. G. S. 97-30 is hereby amended by striking out the words and figures "thirty-seven dollars and fifty cents ($37.50)" as the same appear in lines 6 and 7 thereof, and by substituting in lieu thereof the words and figures "forty-two dollars ($42.00)".

Sec. 3. G. S. 97-31 is hereby amended as follows:

(a) Subsection (21) is hereby amended by striking out "three thousand five hundred" as the same appears in line 3 of such subsection and by substituting in lieu thereof "four thousand".

(b) Subsection (22) is hereby amended by striking out "three thousand five hundred dollars ($3,500.00)" as the same appears in lines 6 and 7 of such subsection and by substituting in lieu thereof "four thousand dollars ($4,000.00)".

(c) Subsection (24) is hereby amended by striking out "three thousand five hundred dollars ($3,500.00)" as the same appears in line 5 of such subsection and by substituting in lieu thereof "four thousand dollars ($4,000.00)".

Sec. 4. G. S. 97-38 is hereby amended as follows:

(a) In lines 6 and 7 of such Section, the words and figures "thirty-seven dollars and fifty cents ($37.50)" are hereby stricken out, and there is substituted in lieu thereof the words and figures "forty-two dollars ($42.00".

(b) In line 8 of such Section the word "four" is stricken out, and there is substituted in lieu thereof the word "five".

Sec. 5. G. S. 97-40 is hereby amended by striking out "four hundred dollars ($400.00)" as the same appears in line 5 of the second paragraph of such Section and by substituting in lieu thereof "five hundred dollars ($500.00)".

Sec. 6. G. S. 97-41 is hereby amended by striking out the word "twelve" as the same appears in line 5 and inserting in lieu thereof the word "fifteen".

Sec. 7. G. S. 97-61.5(b) is hereby amended by striking out the words and figures "thirty-seven dollars and fifty cents ($37.50)" as the same appear in lines 13 and 14 of such subsection, and by substituting in lieu thereof the words and figures "forty-two dollars ($42.00)".

Sec. 8. G. S. 97-61.6 is hereby amended as follows:

(a) In lines 11 and 12 of such subsection the words and figures "thirty-seven dollars and fifty cents ($37.50)" are hereby stricken out and there is substituted in lieu thereof the words and figures "forty-two dollars ($42.00)".

(b) In line 14 of such subsection the words and figures "twelve thousand dollars ($12,000.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00)".

(c) In lines 19 and 20 of such subsection, the words and figures "thirty-seven dollars and fifty cents ($37.50)" are hereby stricken out and there is substituted in lieu thereof the words and figures "forty-two dollars ($42.00)".

(d) In lines 29 and 30 of such subsection the words and figures "twelve thousand dollars ($12,000.00)" are hereby stricken out and there is substituted in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00)".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force from and after July 1, 1967, and shall apply only to cases originating on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

S. B. 84 CHAPTER 85

AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY BOARD OF EDUCATION OF HENDERSONVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Membership of the City Board of Education of Hendersonville, North Carolina, is hereby increased to seven members. The additional members may be appointed by the Board of Commissioners of Hendersonville, after the ratification of this Act, for a term expiring July 1, 1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

S. B. 93 CHAPTER 86

AN ACT TO AMEND CHAPTER 284, SESSION LAWS OF 1947, RELATING TO THE GAME OF BINGO IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 284, Session Laws of 1947, is hereby amended by inserting a new Section, to be designated as Section 1.1, and to read as follows:

"Sec. 1.1. It shall be lawful for any patriotic or fraternal club or association in New Hanover County to play or operate the game of Bingo

in the club or organization's clubhouse or meeting rooms."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

S. B. 123

CHAPTER 87

AN ACT TO PROVIDE FOR THE ELECTION OF SEVEN MEMBERS TO THE BOARD OF EDUCATION OF THE RALEIGH CITY SCHOOL ADMINISTRATIVE UNIT, AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 856, Session Laws of 1963, is hereby amended by rewriting Section 1 to read as follows:

"Section 1. Presently incumbent members of the Board of Education of the Raleigh City School Administrative Unit shall hold terms of office as follows: Maurice P. Thiem, a term to expire July 1, 1971; Casper W. Holroyd, Jr., a term to expire July 1, 1971; William P. Duff, Jr., a term to expire July 1, 1971; Mrs. J. L. Stough, a term to expire July 1, 1969; and F. J. Carnage, a term to expire July 1, 1969. The terms of the aforementioned members shall run to the dates specified for the said members, and until their successors are elected and qualified."

Sec. 2. Chapter 856, Session Laws of 1963, is further amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. From and after July 1, 1967, the Board of Education of the Raleigh City School Administrative Unit shall consist of seven (7) members. At the regular municipal election to be held in and for the City of Raleigh in May, 1967, there shall be elected two (2) additional members of the Board of Education, who shall hold terms of two (2) years commencing July 1, 1967, and until their successors are elected and qualified. In the municipal elections held in 1969 and biennially thereafter, there shall be elected the number of members equal to the number of members whose terms next expire during the year of such election, such members to be elected for terms of four (4) years and until their successors are elected and qualified."

Sec. 3. Chapter 856, Session Laws of 1963, is further amended by adding a new paragraph at the beginning of Section 3½, to read as follows:

"If more than eight (8) candidates file for office in years when four vacancies on the Board are to be filled, a primary election shall be held and the eight (8) candidates receiving the highest number of votes in the primary election shall be certified as the only candidates whose names shall be placed on the ballot for election. If not more than eight (8) candidates file for office in such years, no primary shall be held as to such candidates and their names shall be the only names placed on the ballot for the election."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 111 CHAPTER 88

AN ACT REPEALING G. S. 113-202 RELATING TO THE GRANTING OF OYSTER AND CLAM LEASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-202 as the same appears in Replacement 1966 Volume 3A of the General Statutes is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 130 CHAPTER 89

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF CARTERET COUNTY TO PROHIBIT AND REGULATE SURFING ON THE WATERS OF THE ATLANTIC OCEAN ADJOINING SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Carteret County are hereby authorized to adopt a comprehensive zoning ordinance regulating and prohibiting surfing on the waters of the Atlantic Ocean adjoining or bounding Carteret County: Provided, that the ordinance shall not apply to any waters of the Atlantic Ocean lying within the corporate limits of any municipality in Carteret County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 168 CHAPTER 90

AN ACT TO AMEND G. S. 153-10.1, RELATING TO REMOVAL AND DISPOSAL OF TRASH, GARBAGE, ETC., SO AS TO MAKE SAID SECTION APPLICABLE TO PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by inserting the word "Pitt," immediately after the word "Northampton," and immediately before the word "Polk" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 213 CHAPTER 91

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF FAYETTEVILLE TO OFFER AND PAY REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS INJURING OR DAMAGING MUNICIPAL PROPERTY OR INJURING MUNICIPAL EMPLOYEES AND OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Fayetteville is authorized to offer and pay rewards in an amount not exceeding five hundred dollars ($500.00) for information leading to the arrest and conviction of any person or persons who willfully deface, damage or destroy property, either personal or real, or take personal property belonging to or under the control of the City of Fayetteville, and to further offer and pay like rewards for information leading to the arrest and conviction of any person or persons who willfully injure or take the life of any employee or officer of the City of Fayetteville while such employee or officer is engaged in the performance of his official duties. The governing body shall fix the terms, conditions and amounts of such rewards and shall be the sole judge as to those persons entitled to receive any reward offered. Such rewards shall be paid only by order of the governing body out of nontax revenues.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 217 CHAPTER 92

AN ACT TO AMEND G. S. 143-129 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That Section 143-129 of the General Statutes of North Carolina, as the same applies to the City of Charlotte in Mecklenburg County, is hereby amended by deleting the words and figures "two thousand dollars ($2,000.00)" appearing in line 5, and substituting in lieu thereof the following, "three thousand dollars ($3,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 230 **CHAPTER 93**

AN ACT TO VALIDATE TAX LEVIES AND TAX SALES IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All acts and things done by or under the direction of the Board of Commissioners of Bertie County in listing property for taxes and in levying taxes for the years 1965 and 1966 are hereby in all respects ratified and validated.

Sec. 2. The advertisements and sales of lands for failure to pay taxes to Bertie County and all acts and things done by the Board of County Commissioners of Bertie County or by the Tax Collector of Bertie County or by the Deputy Tax Collector of Bertie County or by the Acting Tax Collector of Bertie County relating to the advertisement and sales of lands for failure to pay taxes to Bertie County for the years 1964 and 1965 are hereby in all respects ratified and validated.

Sec. 3. All acts and things done by or under the direction of Elizabeth W. Cooper, Deputy Bertie County Tax Collector, during the illness and hospitalization of Lacy M. Early, late Bertie County Tax Collector, who died on October 25, 1966, and all acts and things done by or under the direction of Joe S. Warlick, Acting Bertie County Tax Collector, from the death of Lacy M. Early, late Bertie County Tax Collector, on October 25, 1966, until the newly appointed Bertie County Tax Collector entered upon the duties of that office on January 3, 1967, are hereby in all respects ratified and validated.

Sec. 4. This Act shall not affect pending litigation.

Sec. 5. If any provisions of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provisions and to this end the provisions of this Act are declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 244 **CHAPTER 94**

AN ACT AMENDING CHAPTER 1043, SESSION LAWS OF 1959, RELATING TO THE APPROPRIATION OF FUNDS BY THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY TO THE CHAMBERS OF COMMERCE OF THE VARIOUS MUNICIPALITIES IN BUNCOMBE COUNTY AND TO THE ASHEVILLE AGRICULTURAL DEVELOPMENT COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1043, Session Laws of 1959, which amends Section 1 of Chapter 930, Session Laws of 1953, is hereby amended by striking out the words and figures "twelve thousand five hundred dollars

($12,500.00)" appearing in lines five and six of said Section, and inserting in lieu thereof the words and figures "twenty-five thousand dollars ($25,000.00)".

Sec. 2. Section 2 of Chapter 1043, Session Laws of 1959, which amends Section 1 of Chapter 607, Session Laws of 1957, is hereby amended by striking out the words and figures "twelve thousand five hundred dollars ($12,500.00)" appearing in lines five and six of said Section, and inserting in lieu thereof the words and figures "seventeen thousand five hundred dollars ($17,500.00)".

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 261 CHAPTER 95

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOOKERTON TO PROVIDE FOR THE POPULAR ELECTION OF MAYOR.

The General Assembly of North Carolina do enact:

Section 1. Chapter 218 of the Private Laws of 1907 is hereby amended by rewriting Section 8 thereof to read as follows:

"Sec. 8. In each regular biennial election, beginning in 1967, there shall be elected by the qualified voters of the Town at large a Mayor and four Commissioners to hold office for terms of two years or until their successors are elected and qualified. Town elections shall be conducted in accordance with the provisions of Article 3, Chapter 160, of the General Statutes.

"Any qualified voter of the Town who would offer himself as a candidate for Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be signed and dated, and filed not later than five o'clock p. m. on the third Friday preceding the election at which he offers himself, shall be accompanied by payment of a filing fee of ten dollars ($10.00), and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for the office of ..... to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Hookerton, residing at .....'"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 337 **CHAPTER 96**

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF ELKIN IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular biennial municipal election in the Town of Elkin on the first Monday in May 1967 and biennially thereafter there shall be elected a mayor and a board of town commissioners consisting of five members to serve for terms of two years each. The candidate for mayor receiving the highest number of votes for mayor shall be declared elected mayor. The five candidates for the offices of town commissioner receiving the highest number of votes cast for town commissioners shall be declared elected town commissioners.

Sec. 2. Not less than four nor more than five weeks preceding the date of each biennial municipal election there shall be held a town meeting at such date, time and place as the town governing body may designate. Notice of such meeting shall be published in a newspaper, which is published and circulated in the Town of Elkin, once a week for four successive weeks preceding the week during which the town meeting shall be held. The period of time between the publication of the first notice and the publication of the fourth notice shall be at least twenty days excluding the days of the first and last publication.

Sec. 3. At such town meeting all qualified voters of the Town of Elkin shall be eligible to attend and participate in the town meeting at which the mayor of the Town of Elkin shall preside until a chairman of the meeting is elected by the meeting. Then said chairman shall preside. At such meeting there shall be nominated one candidate for mayor and five candidates for town commissioner.

Any qualified voter of the Town of Elkin who is not nominated at the afore-described town meeting for mayor or town commissioner may file notice of candidacy for office as mayor or town commissioner by personally filing written notice with the town clerk not later than the fifteenth day preceding the date of the biennial municipal election.

The name of the person nominated for mayor at the town meeting and all persons filing notices of candidacy for mayor with the town clerk shall be placed on the ballot to be used in the biennial municipal election and the person receiving the highest number of votes for mayor shall be declared elected mayor.

All five candidates for town commissioner nominated at the town meeting and all persons who file notice of candidacy for the offices of town commissioner shall be placed on the ballot to be used in the biennial municipal election and the five persons who receive the highest number of votes for town commissioner shall be declared elected as town commissioners.

Sec. 4. The biennial town meeting already scheduled and advertised for Friday, March 31, 1967, shall for the purposes of the 1967 biennial municipal election constitute the town meeting referred to above in this Act and it shall not be necessary to conform with any other provisions

of this Act for the purpose of calling and holding said town meeting with respect to the 1967 biennial municipal election.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. B. 23 CHAPTER 97

AN ACT TO AMEND CHAPTER 110, PRIVATE LAWS OF 1903, THE CHARTER OF THE TOWN OF BAYBORO, IN PAMLICO COUNTY, WITH REFERENCE TO THE LEVY OF AD VALOREM TAXES.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 110, Private Laws of 1903, is hereby amended by placing a period after the word "poll" in line 13 of said Section, and by deleting all of the proviso appearing at the end of said Section.

Sec. 2. Chapter 47, Public-Local and Private Laws of 1923, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 39 CHAPTER 98

AN ACT RELATING TO THE USE OF SCHOOL BUSES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Gaston County Board of Education is hereby authorized to permit the use of school buses for the transportation of pupils and teachers to attend the Schiele Museum of Natural History, located in Gastonia, North Carolina, in the furtherance of their course of studies.

Sec. 2. The Board of Education of said county shall be liable for the operating costs incurred in the use of said buses, said costs to include the cost of gasoline and oil, the compensation of the drivers and an allowance for depreciation of the buses, the method of calculating said operating costs to be determined by the State Board of Education.

Sec. 3. Every bus operated for the purpose herein authorized shall be driven by a person holding a valid school bus driver's certificate or a chauffeur's license.

Sec. 4. Tort claims arising out of or connected with the use of buses for the purpose herein set out may be brought against the Board of Education of Gaston County in accordance with the provision of, and subject to the limitations set forth in Section 143-300.1 of the General Statutes. Said Board of Education shall carry insurance protecting against any claims which might be brought under the terms of said Statute.

Sec. 5. In addition to the insurance required under the provisions of Section 4 of this Act, the Board of Education of Gaston County shall carry such other insurance as will, in the opinion of said Board, reasonably protect the pupils, teachers and drivers against injury or loss of life arising out of or connected with the use of said buses for the purpose herein authorized, provided that nothing in this Section shall be construed so as to give rise to any cause of action for injury or death against the Board of Education of said county, or the members thereof, except to the extent of the insurance provided by said Board. The opinion of said Board as to the reasonableness of any insurance provided, except insurance required under Section 4 hereof, shall be final and binding.

Sec. 6. Neither the State Board of Education nor any other department, institution or agency of the State shall be liable for the payment of any tort claim arising out of or connected with the operation of any buses for the purpose herein authorized, nor liable for the payment of any award made on account of any such claim.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 97 CHAPTER 99

AN ACT TO AMEND CHAPTER 36 OF THE GENERAL STATUTES TO PROVIDE FOR RENUNCIATION BY TESTAMENTARY TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 36 of the General Statutes is hereby amended by adding a new Section, immediately following § 36-18.1, to be designated § 36-18.2 and to read as follows:

"§ 36-18.2. Trustee May Renounce. (a) Any person or corporation named as trustee in any will admitted to probate in this State, or any substitute trustee, may, at any time prior to qualifying as required by G. S. 28-53 or taking any action as trustee if such qualification is not required, and whether or not such person or corporation is entitled to so qualify or act, renounce such trusteeship by a writing filed with the Clerk of the Superior Court of the county in which the will is admitted to probate. Upon receipt of such renunciation the clerk shall give notice thereof to all persons interested in the trust, including successor or substitute trustees named in the will, which notice shall also comply with the requirements of subsection (e) of this Section.

"(b) If the will names or identifies a substitute trustee in case of renunciation, the provisions of the will shall be complied with, and the clerk shall enter an appropriate order appointing the substitute trustee in accordance therewith unless the substitute trustee also renounces. A substitute trustee so named shall succeed to the office of trustee upon the date of the order of appointment by the clerk unless the will provides otherwise.

"(c) If the will does not name or identify a substitute trustee in case of renunciation, and it appears that a substitute trustee should be ap-

pointed, the clerk shall appoint some fit and suitable person or corporation as substitute trustee. If the will does not name or identify a substitute trustee, but contains provisions regarding the selection of a substitute trustee, such provisions shall be complied with unless the clerk determines that such provisions would result in the selection of an unfit or unsuitable trustee. A substitute trustee so appointed shall succeed to the office of trustee upon the date of the order of appointment unless the will provides otherwise.

"(d) A substitute trustee shall, upon succeeding to the office of trustee, unless the will provides otherwise, have such powers and duties and be vested with the title to the property included in the trust, as if the substitute trustee had been originally named in the will.

"(e) Each notice required by this Section shall be written notice, and shall identify the proceeding and apprise the person to be notified of the nature of the action to be taken. Service of such notice may be in the same manner as is provided for service of notice in civil actions, or by mailing the notice to the person to be notified at his last known address. Service of the notice must be completed not less than ten days prior to the date the hearing is held or the action is taken. Service by mail shall be complete upon deposit of the notice enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department.

"(f) The Clerk of Superior Court shall docket, record, and index all proceedings pursuant to this Section in the same manner as special proceedings, and shall also enter with the recorded will a notation that the trustee has renounced and a reference to the book and page number, file, or other place where the record may be found."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 120 CHAPTER 100

AN ACT TO AMEND G. S. 160-417 AND G. S. 160-2, RELATING TO THE DURATION OF LOCAL REVENUE BONDS AND THE DURATION OF A MUNICIPAL CONTRACT FOR A WATER SUPPLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-417 is hereby amended by striking out the words "thirty-five years" in line 3 and inserting in lieu thereof "forty years".

Sec. 2. Subdivision (6) of G. S. 160-2 is hereby amended by rewriting the last line and all of the next to the last line following the word "town" to read as follows:

"and also to make contracts, for a period not exceeding forty years, for the supply of water and, not exceeding thirty years, for the supply of light or other public commodity."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 144 CHAPTER 101

AN ACT TO AMEND G. S. 14-293 AS IT RELATES TO DUTIES OF MUNICIPAL OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-293, as the same appears in 1953 Recompiled Volume 1B of the General Statutes, is hereby amended by striking out all of said Section appearing after the period in line 15 thereof.

Sec. 2. All actions, civil or criminal, arising under those former provisions of G. S. 14-293 repealed by Section 1 of this Act, and which have not heretofore been instituted, shall be barred.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 155 CHAPTER 102

AN ACT RELATING TO STREET IMPROVEMENTS IN THE CITY OF ROCKINGHAM.

The General Assembly of North Carolina do enact:

Section 1. That any and all acts heretofore done and steps taken by the City of Rockingham in the paving of streets and laying curb and gutters on the streets of the City of Rockingham within the past three years are hereby in all respects approved, confirmed and validated. All assessments heretofore levied by the City for such improvements made within the past three years are hereby in all respects approved and confirmed; and the City of Rockingham is authorized and empowered to make like assessments and levies for such street improvements where such levies have not heretofore been made against the abutting property, provided that notice shall first be given as provided by G. S. 160-87 and provided further that such levies shall not be in excess of one-half the costs per front foot as provided by G. S. 160-85.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 231 **CHAPTER 103**

AN ACT TO ADD BERTIE COUNTY TO THE PROVISIONS OF SUBDIVISION 43 OF G. S. 153-9 RELATING TO CERTAIN TAX LEVIES.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of G. S. 153-9 (43), as the same appears in the 1965 Supplement to Volume 3C (1964 Replacement Volume) of the General Statutes of North Carolina, is hereby amended by inserting after the comma following the word "Beaufort" and immediately preceding the word "Bladen", in the second line of said paragraph, the word "Bertie,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 243 **CHAPTER 104**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SALEMBURG, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Salemburg is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF SALEMBURG

"ARTICLE I. INCORPORATED AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The Town of Salemburg shall continue to be a body politic and corporate under the name of the 'Town of Salemburg', and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Section 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Salemburg shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all

powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Salemburg shall be as follows until changed in accordance with law:

"Being located in the County of Sampson, and described by metes and bounds as follows: BEGINNING at a stake and a point in the center of N. C. Highway No. 242, said stake and point being located South 12 degrees 18 minutes West, 2750 feet from the center point of the intersection of College Street and Main Street in the Town of Salemburg; thence South 76 degrees East, 1989.5 feet to a stake; thence North 14 degrees East, 1612 feet to a stake in the center of Laurel Lake Road; thence the same course (North 14 degrees East) 1809 feet to a stake in the center of the Clinton-Salemburg Road; thence the same course (North 14 degrees East) 2579 feet to a stake; thence North 76 degrees West, 210.12 feet to a stake in the center of a road known as "Cemetery Road"; thence the same course (North 76 degrees West) 1923 feet to a stake in the center of N. C. Highway No. 242 leading to Dunn, North Carolina; thence the same course (North 76 degrees West) 1866.88 feet to a stake; thence South 14 degrees West 1032 feet to a stake in the center of Pine Street; thence the same course (South 14 degrees West) 2780.19 feet to a stake in the center of County Road No. 1233 which leads from Salemburg to Autryville; thence the same course (South 14 degrees West) 2187.81 feet to a stake; thence South 76 degrees East 1299 feet to a stake in the center of Fayetteville Street; thence the same course (South 76 degrees East) 711.5 feet to a stake in the center of N. C. Highway No. 242; the beginning point; said description fully describing by metes and bounds the outside boundaries of the Town of Salemburg, North Carolina.

"Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Section 3.1. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the qualified voters of the town at large in the manner provided in Article IV. The Mayor shall be the official head of the town government, shall be ex officio Chairman of the Board of Commissioners, and shall preside at all meetings of the Board of Commissioners. When there is an equal division upon any question, or in the appointment of officers, by the Board, the Mayor shall determine the matter by his vote, and he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the town. The Board of Commissioners shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Section 3.2. Composition of Board of Commissioners. The Board of Commissioners shall consist of six members to be elected by the qualified voters of the town voting at large in the manner provided by Article IV.

"Section 3.3. Terms; Qualifications: Vacancies. (a) The Mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following his election, as established by ordinance in accordance with this Charter; provided, he shall serve until his successor is duly elected and qualifies.

"(b) The term of office of the Board of Commissioners shall be for four years except that the term of office for said Commissioners elected immediately following the adoption of this Charter shall be four years for three of the Commissioners and two years for three of the Commissioners; that those three Commissioners duly elected having the highest number of votes during the election taking place the year of adoption of this Charter shall serve a term of four years under this Charter, and the three Commissioners having the next highest number of votes in said election shall serve a term of two years under this Charter. Said Commissioners shall begin their term in office at the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, however, they shall serve until their successors are elected and qualify.

"(c) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners, or to serve in such capacity, unless he is a resident and qualified voter of the town.

"(d) If any elected Mayor or Commissioner shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Commissioner after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Commissioner so appointed shall have the same authority and powers as if regularly elected.

"Section 3.4. Compensation of Mayor and Commissioners. The Mayor shall receive for his services such salary as the Board of Commissioners shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Commissioners may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect as to any Commissioner during the respective term of office which he is serving at the time the increase is voted.

"Section 3.5. Organization of Board; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

"Section 3.6. Meetings of the Board. (a) The Board of Commissioners shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Commissioners, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the Board of Commissioners shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Section 3.7. Quorum; Votes. (a) A majority of the members elected or appointed to the Board of Commissioners shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Board of Commissioners shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Salemburg'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. NOMINATION AND ELECTION PROCEDURE

"Section 4.1. Regular Municipal Elections. The regular municipal elections shall be held on the Tuesday after the first Monday of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the town voting at large, a Mayor for a term of two years and three Commissioners to serve a term of four years, except for the first election to take place immediately following the adoption of this Charter, when six Commissioners shall be elected and serve as provided in Section 3.3(b) hereof. All elected officers hereunder shall serve until their successors are elected and qualify.

"Section 4.2. Voting in Regular Elections. In regular municipal elections, the Mayor and all members of the Board of Commissioners shall be elected at large. Each voter shall be entitled to vote for one candidate for Mayor and for as many candidates for Commissioner as there are members to be elected to the Board of Commissioners. All candidates up to the number to be elected, who receive the largest numbers of votes shall be declared elected.

"Section 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Commissioner shall file with the Town Clerk a statement giving notice of his candidacy, and such person shall pay the filing fee to said Clerk as determined by the Board of Commissioners. Such notice shall be filed not earlier than 60

days nor later than five o'clock p. m. on the tenth day prior to the date heretofore fixed for the municipal election, and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for election to the office of ..... to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Salemburg, residing at .....

.....(Signature).....

..... (Date) .....

Witness:.....'

"Section 4.4. Ballots. No names shall be printed upon the ballots for the regular municipal election other than the names of all candidates who have properly filed for the respective offices as provided herein.

"Section 4.5. Registration of Voters. Registration of voters for municipal elections shall be conducted in accordance with the provisions of Article 3, Chapter 160, of the General Statutes, subject to the provisions of Section 4.6 hereof.

"Section 4.6. Loose-leaf Registration System Permissible. The Board of Commissioners may, in its discretion, provide for a modern loose-leaf and visible system of registration as authorized by G. S. 163-43 and 163-43.1, with or without full time and permanent registration as authorized by G. S. 163.31 and 163.31.2; provided, in the event the Board shall provide for a full time and permanent registration, the Board may assign the duties of Registrar to the Town Clerk or to any other employee of the town, in lieu of appointing a Registrar; and, provided further, that in such event, the registration books shall be closed prior to each election at the time provided by G. S. 163-31, and the provisions of Section 4.5 hereof adopting by reference the registration period prescribed by G. S. 160-37 shall not be applicable.

"Section 4.7. Regulation of Elections. All municipal elections of the Town of Salemburg shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes, except as otherwise provided herein.

"ARTICLE V. TOWN ATTORNEY

"Section 5.1. Appointment; Qualifications; Term; Compensation. The Board of Commissioners may appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Commissioners and shall receive such compensation as the Board shall determine.

"Section 5.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the town; to advise the Mayor, Board of Commissioners, and other town officials with respect to the affairs of the town; to draw all legal documents relating to the affairs of the town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises

and other instruments with which the town may be concerned; to attend all meetings of the Board of Commissioners; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VI. ADMINISTRATIVE OFFICES AND EMPLOYEES

"Section 6.1. Town Clerk. The Board of Commissioners may appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners and to maintain in a safe place all records and documents as may be required by law or as the Board may direct.

"Section 6.2. Town Tax Collector. The Board of Commissioners may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the town, subject to the provisions of this Charter and the ordinances of the town, and he shall diligently comply with and enforce all of the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Section 6.3. Town Accountant. The Board of Commissioners may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Section 6.4. Consolidation of Functions. The Board of Commissioners may, in its discretion, consolidate any two or more of the offices of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these offices to the holder or holders of any other of these offices. The Board of Commissioners may also, in its discretion, designate a single employee to perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

"Section 6.5. Other Employees. The Board of Commissioners may create and fill by appointment such other offices as it deems advisable to insure the efficient administration of the town's affairs, and may, in its discretion, appoint a person to supervise all the town departments, and may delegate to such person the power of appointment and removal of department heads and employees, other than the Town Attorney.

"Section 6.6. Terms of Appointive Officers, Employees. The terms of office of all appointive officers of the town and the terms of employment of all employees of the town shall be at the pleasure of the Board of Commissioners, unless the Board by ordinance shall provide otherwise.

"ARTICLE VII. FINANCE AND TAXATION

"Section 7.1. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the Board of Commissioners in accordance with such regulalations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the town shall accrue to the benefit of the town. All moneys belonging to the town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Section 7.2. Issuance of Bonds. The town may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

"Section 7.3. Purchases and Contracts. Purchases of apparatus, supplies, materials and equipment, and contracts for construction or repair work shall be made in accordance with the General Statutes of North Carolina relating thereto.

"Section 7.4. Purchases Approved by the Board. All purchases of apparatus, supplies, materials and equipment, and all contracts of any kind shall be given prior approval by a majority of the Board of Commissioners, and no employee, officer, or Commissioner shall make any purchase or contract in any amount for the Town or for any town department unless the same has received approval in advance by the Board in meeting assembled, which approval shall be recorded on the minutes of the Board.

"Section 7.5. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the town or any of its officers. The Board of Commissioners shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the town, and may be published if so ordered by the Board of Commissioners.

"Section 7.6. Taxing Ordinances Extended. Notwithstanding the provisions of G. S. 105-339, G. S. 160-56, G. S. 160-410.3, G. S. 160-412.5 or any other provision of law, any ordinance of the Town of Salemburg levying or establishing rates of privilege license or ad valorem taxes shall by operation of law continue in effect in succeeding fiscal or tax years unless a new or amending ordinance is enacted by the Board of Commissioners.

"ARTICLE VIII. POLICE AND TRAFFIC

"Section 8.1. Jurisdiction Extended.

"(a) The jurisdiction of the police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

"(b) The jurisdiction of the police force is hereby extended to include all town-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Section 8.2. Traffic Bureau. The Board of Commissioners may by ordinance establish a Traffic Bureau to process and collect civil penalties provided for violation of parking and traffic ordinances of the town. No tax shall be paid to the State of North Carolina in cases finally disposed of by the Traffic Bureau. All civil penalties collected by the Traffic Bureau shall be paid into the general fund of the town, unless otherwise provided by ordinance.

"ARTICLE IX. CLAIMS AGAINST THE TOWN

"Section 9.1. Presentation of Claims, Suit Upon Claims. (a) All claims or demands against the Town of Salemburg arising in tort shall be presented to the Board of Commissioners in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

"(b) No action shall be instituted against the town on account of damages to or compensation for real property taken or used by the town for any public purpose, or for the ejectment of the town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Commissioners of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after the termination of the incapacity, or within three years after the happening of the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

"ARTICLE X. MISCELLANEOUS PROVISIONS

"Section 10.1. Business Hours. The Board of Commissioners, in addition to authority granted by the General Statutes, shall have authority to adopt ordinances regulating the opening and closing hours of businesses within the town, and may establish reasonable classifications of businesses and provide different regulations for different classifications so established.

"Section 10.2. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners."

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Salemburg and to consolidate into it certain Acts concerning the property, affairs, and government of the town. It is intended to continue in force without interruption those provisions of prior Acts which are

consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, or amendments thereto, even though such Acts or amendments are not expressly set forth herein;

(a) Any Acts concerning the property, affairs or government of public schools in the Town of Salemburg;

(b) Any Acts relating to Mayor's Court of the Town of Salemburg or any other courts;

(c) Any Acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind;

(d) Any Acts authorizing conveyance or sale of particular town property or interests therein.

Sec. 4. Continuance of Contracts. All contracts entered into by the town, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Sec. 5. Saving Clause. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Salemburg is affected thereby.

Sec. 6. (a) All existing ordinances and resolutions of the Town of Salemburg, and all existing rules or regulations of departments or agencies of the Town of Salemburg, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified, or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise), pending at the effective date of this Act by or against the Town of Salemburg or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 7. The following Acts, having served the purpose for which enacted, or having been consolidated into this Act, are hereby repealed:

(a) Chapter 129 of the Private Laws of 1905;

(b) Chapter 67 of the Private Laws of 1921;

(c) Chapter 46 of the Public-Local Laws of 1937;

(d) Chapter 172 of the Session Laws of 1953;

(e) Chapter 1277 of the Session Laws of 1957;

(f) Chapter 1282 of the Session Laws of 1957.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 247 **CHAPTER 105**

AN ACT TO REWRITE G. S. 106-322.2 RELATING TO THE SLAUGHTER OF SWINE AFFECTED WITH OR EXPOSED TO HOG CHOLERA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-322.2, as the same appears in Replacement 1966 Volume 3A of the General Statutes, is rewritten to read as follows:

"If it appears in the judgment of the State Veterinarian to be necessary for the control and eradication of hog cholera to destroy or slaughter swine affected with or exposed to such disease, the State Veterinarian is authorized to order said swine destroyed or slaughtered, notwithstanding the wishes of the owners of said swine, provided that if the owner contests the diagnosis of hog cholera he shall be entitled to a review of the case by a licensed practicing veterinarian, the State Veterinarian, or his authorized representative, and the Federal Inspector in charge, or his authorized representative, to determine that a diagnosis of hog cholera was arrived at by the use of accepted, standard diagnostic techniques. The State Veterinarian is authorized to agree on the part of the State, in the case of swine destroyed or slaughtered on account of being affected with hog cholera or exposure to same to pay one-third of the difference between the appraised value of each animal destroyed or slaughtered and the value of the salvage thereof; provided, that the State indemnity shall not be in excess of the indemnity payments made by the federal cooperating agency; provided further, that State indemnity payments shall be restricted to swine located on the farm or feed lot of the owner or authorized representative of the owner; provided further, that in no case shall any payments by the State be more than twelve dollars and fifty cents ($12.50) for any grade swine nor more than twenty-five dollars ($25.00) for any purebred swine and subject to available State funds. The procedure for appraisal, disposal and salvage of slaughtered or destroyed swine shall be carried out in the same manner as that required under the General Statutes of North Carolina governing compensation for killing other diseased animals."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 256 **CHAPTER 106**

AN ACT TO AMEND G. S. 20-141 RELATING TO SPEED ON HIGHWAYS AND OTHER PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-141(a), as the same appears in the 1965 Replacement Volume of the General Statutes, is hereby amended by inserting in line two following the word "highway" and before the word "at" the following language: "or on any parking lot, drive, driveway, road, roadway,

street or alley upon the grounds and premises of any public or private hospital, college, university, benevolent institution, school, orphanage, church, or any of the institutions maintained and supported by the State of North Carolina or any of its subdivisions, or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business or municipal establishment, providing parking space for customers, patrons or the public."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. B. 260 **CHAPTER 107**

AN ACT TO AMEND CHAPTER 158, SESSION LAWS OF 1963, RELATING TO THE CHARTER OF THE CITY OF ELIZABETH CITY AND THE REDEFINING OF THE CORPORATE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Chapter 158, Session Laws of 1963, Section 3 is hereby amended by rewriting the first seven lines of Section 3 to read as follows:

"Sec. 3. The corporate limits of the City of Elizabeth City shall be as follows: Beginning at a point on the Pasquotank River in the center line of the southern mouth of Knobbs Creek; thence up the center line of said creek to the intersection of the center line thereof with the eastwardly prolongation of the South line of the Josh Tunnell property, thence westwardly along the South line of the Josh Tunnell property and its westwardly prolongation to the center line of U. S. Highway 17, thence southwardly along the center line of U. S. Highway 17 to the North".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

S. B. 42 **CHAPTER 108**

AN ACT TO CREATE A COURT OF APPEALS IN THE APPELLATE DIVISION OF THE GENERAL COURT OF JUSTICE; TO ALLOCATE JURISDICTION BETWEEN THE SUPREME COURT AND THE COURT OF APPEALS; TO PROVIDE FOR THE RETIREMENT AND RECALL TO TEMPORARY SERVICE OF CERTAIN JUSTICES AND JUDGES; AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 7A, Subchapter II, of the General Statutes, is hereby rewritten to read as follows:

"Subchapter II. APPELLATE DIVISION OF THE GENERAL COURT OF JUSTICE.

Article 2.

Appellate Division Organization

Sec. 7A-5. Organization. The Appellate Division of the General Court of Justice consists of the Supreme Court and the Court of Appeals.

Sec. 7A-6. Appellate Division Reporter; Reports. (a) The Supreme Court shall appoint a reporter for the Appellate Division, to serve at its pleasure. It shall be the duty of the reporter to prepare for publication the opinions of the Supreme Court and the Court of Appeals. The salary of the reporter shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Supreme Court. The reporter may employ assistant reporters in the numbers and at the salaries fixed by the Administrative Officer of the Courts.

(b) The Administrative Officer of the Courts shall contract for the printing of the reports of the Supreme Court and the Court of Appeals, and for the advance sheets of each court. He shall also sell the reports and advance sheets of the Appellate Division, to the general public, at a price not less than cost nor more than cost plus ten per cent (10%), to be fixed by him in his discretion. Proceeds of such sales shall be remitted to the State Treasury.

(c) The Administrative Officer of the Courts shall furnish, without charge, one copy of the advance sheets of the Appellate Division to each justice and judge of the General Court of Justice, to each Superior Court Solicitor, to each Superior Court Clerk, and, in such numbers as may be reasonably necessary, to the Supreme Court Library.

Sec. 7A-7. Law Clerks; Secretaries and Stenographers. (a) Each justice and judge of the Appellate Division is entitled to the services of one research assistant, who must be a graduate of an accredited law school. The salaries of research assistants shall be set by the Administrative Officer of the Courts, subject to the approval of the Supreme Court.

(b) The Administrative Officer of the Courts shall determine the number and salaries of all secretaries and stenographers in the Appellate Division.

Article 3.

The Supreme Court

Sec. 7A-10. Organization; Compensation of Justices. (a) The Supreme Court shall consist of a Chief Justice and six associate Justices, elected by the qualified voters of the State for terms of eight years. Before entering upon the duties of his office, each Justice shall take an oath of office. Four Justices shall constitute a quorum for the transaction of the business of the court. Sessions of the court shall be held in the City of Raleigh, and scheduled by rule of court so as to discharge expeditiously the court's business.

(b) The Chief Justice and each of the Associate Justices shall receive the annual salary provided in the Budget Appropriations Act. Each Justice is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally.

Sec. 7A-11. Clerk of the Supreme Court; Salary; Bond; Fees; Oath. (a) The Clerk of the Supreme Court shall be appointed by the Supreme Court to serve for a term of eight years. The annual salary of the Clerk

shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Supreme Court. The Clerk may appoint assistants in the number and at the salaries fixed by the Administrative Officer of the Courts. The Clerk shall perform such duties as the Supreme Court may assign, and shall be bonded to the State, for faithful performance of duty, in the same manner as the Clerk of Superior Court, and in such amount as the Administrative Officer of the Courts shall determine. He shall adopt a seal of office, to be approved by the Supreme Court. A fee bill for services rendered by the Clerk shall be fixed by rule of the Supreme Court, and all such fees shall be remitted to the State Treasury, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered as provided by rule of the Supreme Court. The State Auditor shall audit the financial accounts of the Clerk at least once a year.

(b) Before entering upon the duties of his office, the Clerk shall take the following oath: "I, ..., do solemnly swear that I will discharge the duties of the office of Clerk of the Supreme Court without prejudice, affection, favor, or partiality, according to law and to the best of my skill and ability, so help me, God."

Sec. 7A-12. Supreme Court Marshal. The Supreme Court may appoint a Marshal to serve at its pleasure, and to perform such duties as it may assign. The Marshall shall have the criminal and civil powers of a sheriff, and any additional powers necessary to execute the orders of the Appellate Division in any county of the State. His salary shall be fixed by the Administrative Officer, subject to the approval of the Supreme Court. The Marshal may appoint such assistants, and at such salaries, as may be authorized by the Administrative Officer of the Courts. The Supreme Court, in its discretion, may appoint the Supreme Court Librarian, or some other suitable employee of the Court, to serve in the additional capacity of Marshal.

Sec. 7A-13. Supreme Court Library; Functions; Librarian; Library Committee; Seal of Office. (a) The Supreme Court shall appoint a Librarian of the Supreme Court Library, to serve at the pleasure of the Court. The annual salary of the Librarian shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Supreme Court. The Librarian may appoint assistants in numbers and at salaries to be fixed by the Administrative Officer of the Courts.

(b) The primary function of the Supreme Court Library is to serve the Appellate Division of the General Court of Justice, but it may render service to the trial divisions of the General Court of Justice, to State agencies, and to the general public, under such regulations as the Librarian, subject to the approval of the Library Committee, may promulgate.

(c) The library shall be maintained in the City of Raleigh, except that if the Court of Appeals sits regularly in locations other than the City of Raleigh, branch libraries may be established at such locations for the use of the Court of Appeals.

(d) The Librarian shall promulgate rules and regulations for the use of the library, subject to the approval of a Library Committee, to be com-

posed of two Justices of the Supreme Court appointed by the Chief Justice, and one Judge of the Court of Appeals appointed by the Chief Judge.

(e) The Librarian may adopt a seal of office.

(f) The Librarian may operate a copying service by means of which he may furnish certified or uncertified copies of all or portions of any document, paper, book, or other writing in the library that legally may be copied. When a certificate is made under his hand and attested by his official seal, it shall be received as prima facie evidence of the correctness of the matter therein contained, and as such shall receive full faith and credit. The fees for copies shall be approved by the Library Committee, and the fees so collected shall be administered in the same manner as the charges to litigants for the reproduction of appellate records and briefs.

Article 4.

Court of Appeals

Sec. 7A-16. Creation and Organization. The Court of Appeals is created effective January 1, 1967. It shall consist initially of six Judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the Judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a Judge of the Court of Appeals shall take the oath of office prescribed for a Justice of the Supreme Court, conformed to the office of Judge of the Court of Appeals.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five Judges, and the designation of a Chief Judge, the Court is authorized to convene, organize, and promulgate, subject to the approval of the Supreme Court, such supplementary rules as it deems necessary and appropriate for the discharge of the judicial business lawfully assigned to it.

Effective January 1, 1969, the number of Judges is increased to nine, and the Governor, on or after March 1, 1969, shall make temporary appointments to the additional judgeships thus created. The appointees shall serve until January 1, 1971. Their successors shall be elected at the general election for members of the General Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the remainder of the unexpired term which began on January 1, 1969.

The Court of Appeals shall sit in panels of three Judges each. The Chief Judge insofar as practicable shall assign the members to panels in such fashion that each member sits a substantially equal number of times with each other member. He shall preside over the panel of which he is a member, and shall designate the presiding Judge of the other panel or panels.

Three Judges shall constitute a quorum for the transaction of the business of the Court, except as may be provided in Section 7A-32.

Sec. 7A-17. Notice of Candidacy for Court of Appeals Judge to Indicate Vacancy. In any primary in which there are two or more vacancies for Judge of the Court of Appeals to be filled by nominations, each candidate shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be effective only for his nomination to the vacancy for which he has given notice of candidacy as provided in this Section.

Sec. 7A-18. Compensation of Judges. The Chief Judge and each Associate Judge of the Court of Appeals shall receive the annual salary provided in the Budget Appropriations Act. Each Judge is entitled to reimbursement for travel and subsistence expenses at the rate allowed State employees generally.

Sec. 7A-19. Seats and Sessions of Court. (a) The Court of Appeals shall sit in Raleigh, and at such other locations within the State as the Supreme Court may designate.

(b) The Department of Administration shall provide adequate quarters for the Court of Appeals.

(c) The Chief Judge shall schedule sessions of the Court as required to discharge expeditiously the Court's business.

Sec. 7A-20. Clerk; Oath; Bond; Salary; Assistants; Fees. (a) The Court of Appeals shall appoint a Clerk to serve at its pleasure. Before entering upon his duties, the Clerk shall take the oath of office prescribed for the Clerk of the Supreme Court, conformed to the office of Clerk of the Court of Appeals, and shall be bonded, in the same manner as the Clerk of Superior Court, in an amount prescribed by the Administrative Officer of the Courts, payable to the State, for the faithful performance of his duties. The salary of the Clerk shall be fixed by the Administrative Officer of the Courts, subject to the approval of the Court of Appeals. The number and salaries of his assistants, and their bonds, if required, shall be fixed by the Administrative Officer of the Courts. The Clerk shall adopt a seal of office, to be approved by the Court of Appeals.

(b) Subject to approval of the Supreme Court, the Court of Appeals shall promulgate from time to time a fee bill for services rendered by the Clerk, and such fees shall be remitted to the State Treasurer, except that charges to litigants for the reproduction of appellate records and briefs shall be fixed and administered as provided by rule of the Supreme Court. The State Auditor shall audit the financial accounts of the Clerk at least once a year.

Article 5.

Jurisdiction

Sec. 7A-25. Original Jurisdiction of the Supreme Court. The Supreme Court has original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; the decisions shall be reported to the next Session of the General Assembly for its action. The Court shall by rule prescribe the procedures to be followed in the proper exercise of the jurisdiction conferred by this Section.

Sec. 7A-26. Appellate Jurisdiction of the Supreme Court and the Court of Appeals. The Supreme Court and the Court of Appeals respectively have jurisdiction to review upon appeal decisions of the several Courts of the General Court of Justice and of administrative agencies, upon matters of law or legal inference, in accordance with the system of appeals provided in this Article.

Sec. 7A-27. Appeals of Right From the Courts of the Trial Divisions. (a) From any judgment of a Superior Court which includes a sentence of death or imprisonment for life, appeal lies of right directly to the Supreme Court.

(b) From any final judgment of a Superior Court, other than one described in subsection (a) of this Section or one entered in a post-conviction hearing under Article 22 of Chapter 15, including any final judgment entered upon review of a decision of an administrative agency, appeal lies of right to the Court of Appeals.

(c) From any final judgment of a district Court in a civil action appeal lies of right directly to the Court of Appeals.

(d) From any interlocutory order or judgment of a Superior Court or district Court in a civil action or proceeding which

(1) affects a substantial right, or

(2) in effect determines the action and prevents a judgment from which appeal might be taken, or

(3) discontinues the action, or

(4) grants or refuses a new trial, appeal lies of right directly to the Court of Appeals.

Sec. 7A-28. Decisions of Court of Appeals in Post-Conviction Proceedings Final. Decisions of the Court of Appeals rendered upon review of post-conviction proceedings conducted under Article 22 of Chapter 15 are final and not subject to further review in the General Court of Justice by appeal, certification, writ, or otherwise.

Sec. 7A-29. Appeals of Right from Certain Administrative Agencies. From any final order or decision of the North Carolina Utilities Commission or of the North Carolina Industrial Commission, appeal lies of right directly to the Court of Appeals.

Sec. 7A-30. Appeals of Right from Certain Decisions of the Court of Appeals. Except as provided in Section 7A-28, from any decision of the Court of Appeals rendered in a case

(1) which directly involves a substantial question arising under the Constitution of the United States or of this State, or

(2) in which there is a dissent, or

(3) which involves review of a decision of the North Carolina Utilities Commission in a general rate-making case, an appeal lies of right to the Supreme Court.

Sec. 7A-31. Discretionary Review by the Supreme Court. (a) In any cause in which appeal has been taken to the Court of Appeals, except a cause appealed from the North Carolina Utilities Commission or the North Carolina Industrial Commission, and except a cause involving review of a post-conviction proceeding under Article 22, Chapter 15, the Supreme Court may in its discretion, on motion of any party to the cause or on its

own motion, certify the cause for review by the Supreme Court, either before or after it has been determined by the Court of Appeals. A cause appealed to the Court of Appeals from the Utilities Commission or the Industrial Commission may be certified in similar fashion but only after determination of the cause in the Court of Appeals. The effect of such certification is to transfer the cause from the Court of Appeals to the Supreme Court for review by the Supreme Court. If the cause is certified for transfer to the Supreme Court before its determination in the Court of Appeals, review is not had in the Court of Appeals but the cause is forthwith transferred for review in the first instance by the Supreme Court. If the cause is certified for transfer to the Supreme Court after its determination by the Court of Appeals, the Supreme Court reviews the decision of the Court of Appeals.

(b) In causes subject to certification under subsection (a) of this Section, certification may be made by the Supreme Court before determination of the cause by the Court of Appeals when in the opinion of the Supreme Court

(1) the subject matter of the appeal has significant public interest, or

(2) the cause involves legal principles of major significance to the jurisprudence of the State, or

(3) delay in final adjudication is likely to result from failure to certify and thereby cause substantial harm, or

(4) the work load of the Courts of the Appellate Division is such that the expeditious administration of justice requires certification.

(c) In causes subject to certification under subsection (a) of this Section, certification may be made by the Supreme Court after determination of the cause by the Court of Appeals when in the opinion of the Supreme Court

(1) the subject matter of the appeal has significant public interest, or

(2) the cause involves legal principles of major significance to the jurisprudence of the State, or

(3) the decision of the Court of Appeals appears likely to be in conflict with a decision of the Supreme Court. Interlocutory determinations by the Court of Appeals, including orders remanding the cause for a new trial or for other proceedings, shall be certified for review by the Supreme Court only upon a determination by the Supreme Court that failure to certify would cause a delay in final adjudication which would probably result in substantial harm.

(d) The procedure for certification by the Supreme Court on its own motion, or upon petition of a party, shall be prescribed by rule of the Supreme Court.

Sec. 7A-32. Power of Supreme Court and Court of Appeals to Issue Remedial Writs. (a) The Supreme Court and the Court of Appeals have jurisdiction, exercisable by any one of the Justices or Judges of the respective Courts, to issue the writ of habeas corpus upon the application of any person described in G. S. 17-3, according to the practice and procedure provided therefor in Chapter 17 of the General Statutes, and to rule of the Supreme Court.

(b) The Supreme Court has jurisdiction, exercisable by one Justice or by such number of Justices as the Court may by rule provide, to issue the prerogative writs, including mandamus, prohibition, certiorari, and supersedeas, in aid of its own jurisdiction or in exercise of its general power to supervise and control the proceedings of any of the other Courts of the General Court of Justice. The practice and procedure shall be as provided by statute or rule of the Supreme Court, or, in the absence of statute or rule, according to the practice and procedure of the common law.

(c) The Court of Appeals has jurisdiction, exercisable by one Judge or by such number of Judges as the Supreme Court may by rule provide, to issue the prerogative writs, including mandamus, prohibition, certiorari, and supersedeas, in aid of its own jurisdiction, or to supervise and control the proceedings of any of the trial Courts of the General Court of Justice, and of the Utilities Commission and the Industrial Commission. The practice and procedure shall be as provided by statute or rule of the Supreme Court, or, in the absence of statute or rule, according to the practice and procedure of the common law.

Sec. 7A-33. Supreme Court to Prescribe Appellate Division Rules of Practice and Procedure. The Supreme Court shall prescribe rules of practice and procedure designed to procure the expeditious and inexpensive disposition of all litigation in the Appellate Division.

Sec. 7A-34. Rules of Practice and Procedure in Trial Courts. The Supreme Court is hereby authorized to prescribe rules of practice and procedure for the Superior and District Courts supplementary to, and not inconsistent with, Acts of the General Assembly.

Sec. 7A-35. Disposition of Appeals During Transitional Period. (a) Civil cases tried in the District Court in which notice of appeal to the Superior Court has been given on or before September 30, 1967, and which have not been finally determined in the Superior Court on that date, shall be disposed of as provided by rule of the Supreme Court, and the jurisdiction of the Superior Court over civil appeals from the District Court continues to the extent necessary for this purpose.

(b) All cases in which notice of appeal from the Superior Court to the Supreme Court has been given on or before September 30, 1967, and which have not been finally determined on that date, shall be disposed of in accordance with the laws and rules governing such appeals which were applicable immediately prior to the effective date of this Article.

(c) On and after October 1, 1967, all causes appealed to the Appellate Division from the Utilities Commission, the Industrial Commission, the District Court in civil cases, or the Superior Court, other than criminal cases which impose a sentence of death or life imprisonment, shall be filed with the Clerk of the Court of Appeals.

(d) The Supreme Court by rule shall implement this Section to the end that all causes appealed from the trial divisions to the Appellate Division during the period of transition from the existing judicial structure to a fully operational General Court of Justice are processed efficiently and without prejudice or inconvenience to any litigant.

Sec. 7A-36. Effective Date. This Article shall become effective on September 30, 1967.

Article 6.

Retirement of Justices and Judges of the Appellate Division; Retirement Compensation; Recall to Emergency Service; Disability Retirement

Sec. 7A-39.1. Justice, Emergency Justice, Judge and Emergency Judge Defined. (a) As herein used "Justice of the Supreme Court" includes the Chief Justice of the Supreme Court, and "Judge of the Court of Appeals" includes the Chief Judge of the Court of Appeals, unless the context clearly indicates a contrary intent.

(b) As used herein, "emergency justice" or "emergency judge" means any Justice of the Supreme Court or any Judge of the Court of Appeals, respectively, who has retired subject to recall for temporary service in the place of any active member of the Court from which he retired.

Sec. 7A-39.2. Age and Service Requirements for Retirement of Justices of the Supreme Court and Judges of the Court of Appeals. (a) Any Justice of the Supreme Court or Judge of the Court of Appeals who has attained the age of sixty-five years, and who has served for a total of fifteen years, whether consecutive or not, on the Supreme Court, the Court of Appeals, or the Superior Court, or as Administrative Officer of the Courts, or in any combination of these offices, may retire from his present office and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant or occupants of the office from which he retired.

(b) Any Justice of the Supreme Court or Judge of the Court of Appeals who has attained the age of sixty-five years, and who has served as Justice or Judge, or both, in the Appellate Division for twelve consecutive years may retire and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant or occupants of the office from which he retired.

(c) Any Justice of the Supreme Court or Judge of the Court of Appeals who has served for eight consecutive years as Justice or Judge in the Appellate Division may, at age seventy-five, retire and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant or occupants of the office from which he retired.

(d) Any Justice or Judge of the Appellate Division, who has served for a total of twenty-four years, whether continuously or not, as Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, or Administrative Officer of the Courts, or in any combination of these offices, may retire, regardless of age, and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant or occupants of the office from which he retired. In determining eligibility for retirement under this subsection, time served as a District Solicitor of the Superior Court prior to January 1, 1971, may be included, provided the person has served at least eight years as a Justice, Judge, or Administrative Officer of the Courts, or in any combination of these offices.

Sec. 7A-39.3. Retired Justices and Judges Constituted Emergency Justices and Judges Subject to Recall to Active Service; Compensation. (a) The Justices of the Supreme Court and Judges of the Court of Appeals who retire under the provisions of Section 7A-39.2 are hereby constituted

emergency Justices of the Supreme Court and emergency Judges of the Court of Appeals, respectively, for life, and shall be subject to temporary recall to active service in the place of any Justice of the Supreme Court or Judge of the Court of Appeals, respectively, who is temporarily incapacitated to the extent that he cannot perform efficiently and promptly all the duties of his office.

(b) In addition to the compensation provided in Section 7A-39.2, each emergency Justice or emergency Judge recalled for temporary active service shall be paid by the State his actual expenses, plus one hundred dollars ($100.00) for each week of active service rendered under recall.

Sec. 7A-39.4. Retirement Creates Vacancy. The retirement of any Justice of the Supreme Court or any Judge of the Court of Appeals under the provisions of this Article shall create a vacancy in his office to be filled as provided by law.

Sec. 7A-39.5. Recall of Emergency Justice or Emergency Judge upon Temporary Incapacity of a Justice or Judge. (a) Upon the request of any Justice of the Supreme Court who has been advised in writing by a reputable and competent physician that he is temporarily incapable of performing efficiently and promptly all the duties of his office, the Chief Justice may recall any emergency Justice who, in his opinion, is competent to perform the duties of an associate Justice, to serve temporarily in the place of the Justice in whose behalf he is recalled; provided, that when the incapacity of a Justice of the Supreme Court is such that he cannot request the recall of an emergency Justice to serve in his place, an order of recall may be issued by the Chief Justice upon satisfactory medical proof of the facts upon which the order of recall must be based. Orders of recall shall be in writing and entered upon the minutes of the Court.

(b) Upon the request of any Judge of the Court of Appeals who has been advised in writing by a reputable and competent physician that he is temporarily incapable of performing efficiently and promptly all the duties of his office, the Chief Judge may recall any emergency Judge who, in his opinion, is competent to perform the duties of a Judge of the Court of Appeals, to serve temporarily in the place of the Judge in whose behalf he is recalled; provided, that when the incapacity of a Judge of the Court of Appeals is such that he cannot request the recall of an emergency Judge to serve in his place, an order of recall may be issued by the Chief Judge upon satisfactory medical proof of the facts upon which the order of recall must be based. Orders of recall shall be in writing and entered upon the minutes of the Court.

Sec. 7A-39.6. Notice to Governor of Intention to Retire; Commission as Emergency Justice or Emergency Judge. Any Justice of the Supreme Court or Judge of the Court of Appeals who is qualified and who desires to retire under the provisions of Section 7A-39.2 shall notify the Governor in writing of his intention to do so, including in the notice the facts which entitle him to retire. Upon receipt of such notice, the Governor shall issue a commission as an emergency Justice or Judge, as appropriate, to the applicant, effective upon the date of his retirement. The commission shall be effective for life.

Sec. 7A-39.7. Jurisdiction and Authority of Emergency Justices and Emergency Judges. An emergency Justice or Emergency Judge shall not have or possess any jurisdiction or authority to hear arguments or participate in the consideration and decision of any cause or perform any other duty or function of a Justice of the Supreme Court or Judge of the Court of Appeals, respectively, except while serving under an order of recall and in respect to appeals, motions, and other matters heard, considered, and decided by the Court during the period of his temporary service under such order; and the Justice of the Supreme Court or Judge of the Court of Appeals in whose behalf an emergency Justice or emergency Judge is recalled to active service shall be disqualified to participate in the consideration and decision of any question presented to the Court by appeal, motion or otherwise in which any emergency Justice or emergency Judge recalled in his behalf participated.

Sec. 7A-39.8. Court Authorized to Adopt Rules. The Supreme Court shall prescribe rules respecting the filing of opinions prepared by an emergency Justice or an emergency Judge after his period of temporary service has expired, and any other matter deemed necessary and consistent with the provisions of this Article.

Sec. 7A-39.9. Chief Justice and Chief Judge may Recall and Terminate Recall of Justices and Judges; Procedure when Chief Justice or Chief Judge Incapacitated. (a) The Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals are vested with authority to issue orders of recall to emergency Justices and Judges, respectively, and to perform any and all other acts deemed necessary to effectuate the purposes of this article, and their decisions, when not in conflict herewith, shall be final.

(b) The Chief Justice or Chief Judge, may, at any time, in his discretion, cancel any order of recall issued by him or fix the termination date thereof.

(c) Whenever the Chief Justice is the Justice in whose behalf an emergency Justice is recalled to temporary service, the powers vested in him as Chief Justice by this Article shall be exercised by the associate Justice senior in point of time served on the Supreme Court. Whenever the Chief Judge is the Judge in whose behalf an emergency Judge is recalled to temporary service the powers vested in him as Chief Judge by this Article shall be exercised by the associate Judge senior in point of time served on the Court of Appeals. If two or more Judges have served the same length of time on the Court of Appeals, the eldest shall be deemed the senior Judge.

Sec. 7A-39.10. Article Applicable to Previously Retired Justices. All provisions of this Article shall apply to every Justice of the Supreme Court who has heretofore retired and is receiving compensation as an emergency Justice.

Sec. 7A-39.11. Retirement on Account of Total and Permanent Disability. Every Justice of the Supreme Court or Judge of the Court of Appeals who has served for eight years or more on the Supreme Court, the Court of Appeals, or the Superior Court, or as Administrative Officer of the Courts, or in any combination of these offices, and who while in active service becomes totally and permanently disabled so as to be unable

to perform efficiently the duties of his office, and who retires by reason of such disability, shall receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant or occupants of the office from which he retired. In determining whether a Judge is eligible for retirement under this Section, time served as District Solicitor of the Superior Court prior to January 1, 1971, may be included. Whenever any Justice or Judge claims retirement benefits under this Section on account of total and permanent disability, the Governor and Council of State, acting together, shall, after notice and an opportunity to be heard is given the applicant, by a majority vote of said body, make findings of fact from the evidence offered. Such findings of fact shall be reduced to writing and entered upon the minutes of the Council of State. The findings so made shall be conclusive as to such matters and determine the right of the applicant to retirement benefits under this Section. Justices and Judges retired under the provisions of this Section are not subject to recall as emergency Justices or Judges."

Sec. 2. Chapter 7A, Subchapter III, is hereby amended by inserting therein the following:

"Article 8.

Retirement of Judges of the Superior Court; Retirement Compensation; Recall to Emergency Service; Disability Retirement

Sec. 7A-50. Emergency Judge Defined. As used in this Article "emergency Judge" means any Judge of the Superior Court who has retired subject to recall to active service for temporary duty.

Sec. 7A-51. Age and Service Requirements for Retirement of Judges of the Superior Court and of the Administrative Officer of the Courts. (a) Any Judge of the Superior Court, or Administrative Officer of the Courts, who has attained the age of sixty-five years, and who has served for a total of fifteen years, whether consecutive or not, as a Judge of the Superior Court, or as Administrative Officer of the Courts, or as Judge of the Superior Court and as Administrative Officer of the Courts combined, may retire and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant of the office from which he retired.

(b) Any Judge of the Superior Court, or Administrative Officer of the Courts, who has served for twelve years, whether consecutive or not, as a Judge of the Superior Court, or as Administrative Officer of the Courts, or as Judge of the Superior Court and as Administrative Officer of the Courts combined may, at age sixty-eight, retire and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant of the office from which he retired.

(c) Any person who has served for a total of twenty-four years, whether continuously or not, as a Judge of the Superior Court, or as Administrative Officer of the Courts, or as Judge of the Superior Court and as Administrative Officer of the Courts combined, may retire, regardless of age, and receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant of the office from which he retired. In determining whether a person meets the requirements of this subsection, time served as District Solicitor of the Superior Court prior to

January 1, 1971, may be included, so long as the person has served at least eight years as a Judge of the Superior Court, or as Administrative Officer of the Courts, or as Judge of the Superior Court and Administrative Officer of the Courts combined.

(d) Any Judge of the Superior Court who has attained the age of seventy years must retire on the first day of the month following his seventieth birthday, and upon retirement such person is entitled to the benefits of this Section, if he is otherwise qualified under subsections (a), (b), or (c). This subsection shall not require any Judge of the Superior Court who reaches the age of seventy to retire until the expiration of the term of office during which he is or becomes qualified for retirement under the provisions of this Article.

Sec. 7A-52. Retired Judges Constituted Emergency Judges Subject to Recall to Active Service; Compensation for Emergency Judges on Recall. (a) Judges of the Superior Court who retire under the provisions of Section 7A-51 are hereby constituted emergency Judges of the Superior Court for life. The Chief Justice of the Supreme Court may order any emergency Judge who, in his opinion, is competent to perform the duties of a Superior Court Judge, to hold regular or special sessions of Superior Court, as needed. Orders of assignment shall be in writing and entered upon the minutes of the Superior Court.

(b) In addition to the compensation provided in Section 7A-51, each emergency Judge assigned to temporary active service shall be paid by the State his actual expenses, plus one hundred dollars ($100.00) for each week of active service rendered under recall.

Sec. 7A-53. Notice to Governor of Intention to Retire; Commission as Emergency Judge. Any Judge of the Superior Court who is qualified and who desires to retire under the provisions of Section 7A-51 shall notify the Governor in writing of his intention to do so, including in the notice the facts which entitle him to retire. Upon receipt of such notice, the Governor shall issue a commission as emergency Judge to the applicant, effective upon the date of his retirement. The Commission shall be effective for life.

Sec. 7A-54. Article Applicable to Judges Retired Under Prior Law. All Judges of the Superior Court who have heretofore retired and who are receiving retirement compensation under the provisions of any judicial retirement law previously enacted shall be entitled to the benefits of this Article. All such Judges shall be subject to assignment as emergency Judges by the Chief Justice of the Supreme Court, except Judges retired for total disability.

Sec. 7A-55. Retirement on Account of Total and Permanent Disability. Every Judge of the Superior Court or Administrative Officer of the Courts who has served for eight years or more on the Superior Court, or as Administrative Officer of the Courts, or on the Superior Court and as Administrative Officer of the Courts combined, and who while in active service becomes totally and permanently disabled so as to be unable to perform efficiently the duties of his office, and who retires by reason of such disability, shall receive for life compensation equal to two-thirds of the annual salary from time to time received by the occupant of the office

from which he retired. In determining whether a person meets the requirements for retirement under this Section, time served as District Solicitor of the Superior Court prior to January 1, 1971, may be included. Whenever any Judge claims retirement benefits under this Section on account of total and permanent disability, the Governor and Council of State, acting together, shall, after notice and an opportunity to be heard is given the applicant, by a majority vote of said body, make findings of fact from the evidence offered. Such findings of fact shall be reduced to writing and entered upon the minutes of the Council of State. The findings so made shall be conclusive as to such matters and determine the right of the applicant to retirement benefits under this Section. Judges retired under the provisions of this Section are not subject to recall as emergency Judges."

Sec. 3. G. S. 7A-143 is amended by striking from line one of the last paragraph the words "Supreme Court," and inserting in lieu thereof the words "Court of Appeals"; and by striking from line four of the last paragraph the words "Supreme Court," and inserting in lieu thereof the words "Appellate Division." This Section is effective October 1, 1967.

Sec. 4. G. S. 7A-173(d) is amended by striking the words "Supreme Court" in line one, and inserting in lieu thereof the words "Court of Appeals"; and by striking the words "Supreme Court" in line four and inserting in lieu thereof the words "Appellate Division." This Section is effective October 1, 1967.

Sec. 5. G. S. 7A-195 is amended to read as follows:

"Sec. 7A-195. Special Procedures in Juvenile Cases. Practices, procedures and punishments applicable in the District Court Division in cases involving juveniles shall be as set forth in Chapter 110, Article 2, of the General Statutes, except that under G. S. 110-40, when notice of an appeal is given, the District Court Judge shall summarize the evidence and make findings of fact. Appeals shall be on the record, on questions of law or legal inference, to the Court of Appeals, in all cases. This Section is effective October 1, 1967."

Sec. 6. G. S. 7A-250 is amended by changing the period at the end of the Section to a comma, and adding the words "except that the Court of Appeals shall have jurisdiction to review final orders or decisions of the North Carolina Utilities Commission and the North Carolina Industrial Commission, as provided in Article 5 of this Act."

Sec. 7. G. S. 7A-260 is amended by striking the words "Supreme Court" in lines three and six thereof, and inserting in lieu thereof the words "Appellate Division."

Sec. 8. G. S. 7A-280 through G. S. 7A-287, the same being Article 24, "Jurisdiction and Procedure in Civil Appeals from District Courts" is repealed effective September 30, 1967, except for cases appealed under Article 24 and not finally determined by that date, which cases shall be governed by the provisions of Section 7A-35 of Section 1 of this Act.

Sec. 9. G. S. 7A-300(a)(1) is amended by striking the words "Supreme Court" and inserting in lieu thereof the words "Appellate Division."

Sec. 10. G. S. 7A-305(d)(5) is rewritten to read as follows: "(5) Costs on appeal to the Superior Court, or to the Appellate Division, as the case

may be, of the original transcript of testimony, if any, insofar as essential to the appeal."

Sec. 11. G. S. 15-222 is amended, in line two, by deleting the words "Supreme Court" and inserting in lieu thereof the words "Court of Appeals".

Sec. 12. G. S. 7-1 through 7-39.15 (Chapter 7, Subchapter I, Articles 1-6A), 7-50, 7-51, 7-51.1, 7-51.2, 7-70, 7-70.1, 7-71, 7-71.1, 7-71.2, 7-75, 7-79, and all other laws and clauses of laws in conflict with this Act, are hereby repealed, except to the extent temporarily necessary to effectuate the transitional provisions of Section 7A-35 of Section 1 of this Act.

Sec. 13. Partial Invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. Except as otherwise specified in this Act, this Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

H. B. 36 CHAPTER 109

AN ACT PROHIBITING THE USE OF CERTAIN STEEL TRAPS ON THE LANDS OF OTHERS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 819 of the Session Laws of 1963, as amended by Chapter 1255 of the Session Laws of 1963, is hereby amended by inserting the words "New Hanover" immediately following the word "Brunswick" in line one thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

H. B. 91 CHAPTER 110

AN ACT TO LEVY A TAX UPON PROPERTY IN CERTAIN TOWNSHIPS IN HALIFAX COUNTY FOR THE OPERATION, MAINTENANCE AND EQUIPPING OF "OUR COMMUNITY HOSPITAL, INCORPORATED", A NONPROFIT, CHARITABLE ORGANIZATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Halifax County is hereby authorized to order a special election to determine the will of the people of Scotland Neck, Palmyra, Roseneath and Conoconara Townships as to whether or not the Board of County Commissioners of Halifax County shall levy a special annual tax for the four-year period beginning January 1, 1967 and ending January 1, 1971. Such election and such tax shall be in the manner prescribed in Chapter 225, Session Laws of 1963,

as amended by Chapter 432, Session Laws of 1963, and shall be subject to the limitations and provisions therein set out, except as herein modified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

H. B. 179 CHAPTER 111

AN ACT TO GRANT THE POWER OF EMINENT DOMAIN AND THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Person County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed one cent (1¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. Section 2 of Chapter 794 of the Session Laws of 1961 is hereby amended by inserting the word "Person" immediately before the word "Polk" in line one thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

H. B. 238 CHAPTER 112

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF NEWTON.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Newton is hereby revised and consolidated to read as follows:

THE CHARTER OF THE CITY OF NEWTON

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The City of Newton shall continue to be a body politic and corporate under the name of the "City of Newton" and shall continue to be vested with all property and rights which now belong to the city; shall have perpetual succession; may

have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by the general laws of North Carolina pertaining to municipal corporations.

Section 1.3. Enumerated Powers not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Newton shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Newton shall be as follows until changed in accordance with law:

BEGINNING at a concrete monument, an old Town corner, the southeast corner of the corporate limits of the city, located in the southeast edge of the city, and further situated on the West side of the St. James Church paved road on the property of Glenn Young, and running thence from said beginning corner in a due West course 3460 feet to a point in the center of Brady Avenue; thence in a South course with the center of Brady Avenue, 330 feet to the point of intersection with Hospital Street; thence in an easterly direction with Hospital Street, 1020 feet to a corner in said street; thence continuing with said street in a southeast direction, 460 feet to the Carmie and Mary Young line; thence with the Andrew Sigmon-Hospital line, West 590 feet to a stake, corner of Andrew Sigmon and Hospital; thence with another Andrew Sigmon-Hospital line, South 14 degrees 30 minutes West 660 feet to a corner at a large gully adjoining Meadowbrook Acres Subdivision; thence down said gully in a southeasterly direction along Meadowbrook Acres Subdivision 843 feet to a corner in the gully over a fill, South 23 degrees 06 minutes West 853 feet to a corner; thence North 77 degrees 36 minutes West 640 feet to a corner in the center of U. S. Highway 321; thence with the center of said highway, North 11 degrees 32 minutes East 350 feet to a corner in said highway; thence North 72 degrees 30 minutes West 394 feet to an iron stake; thence North 76 degrees 55 minutes West 426 feet to an iron stake; thence South 13 degrees 45 minutes West 525 feet to an iron stake; thence South 3 degrees 45 minutes West 110 feet to an iron pin; thence North 87 degrees West 200 feet to an iron pin; thence South 2 degrees 40 minutes West 159 feet to an iron stake; thence

South 4 degrees West 512 feet to an iron pin at the "Newton Firemen's Hut" on the City of Newton property line; thence with said line, South 85 degrees 40 minutes West 760 feet to a corner in Clark's Creek; thence up said creek with its meanders in a northerly direction, 2175 feet, more or less, to a corner in said creek, corner of Herbert Yount; thence leaving said creek and running South 89 degrees 20 minutes East 1261 feet, more or less, to an iron pin in old roadbed; thence with said old roadbed, North 35 degrees 15 minutes East 586 feet to an iron pin; thence North 14 degrees 45 minutes East 520 feet to an iron pin and concrete monument at the South side of "Northgate Road"; thence North 11 degrees 40 minutes East 1020 feet to a corner in a large gully; thence in a westerly direction with the meanders of "Town Branch" about 2120 feet to a corner in Clark's Creek; thence in a northwesterly direction with Clark's Creek about 1500 feet to the intersection of said Clark's Creek with Clines Creek; thence in a North direction with Clines Creek 1069 feet, more or less, to a corner in said creek where it intersects with Mill Branch; thence South 88 degrees 45 minutes East 1715 feet, more or less, to a concrete monument, an old city corner; thence with the old city boundary line, a due North course, 4985 feet, more or less, to a corner in West 1st Street; thence North 75 degrees 18 minutes West 458 feet to an iron pin; thence North 70 degrees 13 minutes West 936 feet to an iron pin; thence South 86 degrees 46 minutes West 578 feet to a large hickory tree; thence North 19 degrees 28 minutes West 129 feet to a corner in Hildebran Creek; thence up the various meanders of said creek in a northerly direction 2000 feet, more or less, to a corner in said creek where West 7th Street crosses said creek; thence continuing up said creek in a northerly direction, 960 feet, more or less, to a corner; thence North 83 degrees 51 minutes East 631 feet to an iron pin; thence North 85 degrees 41 minutes East 566 feet to an iron pin on the old original city boundary; thence with the old line due North 1685 feet to a concrete monument, an old corner; thence North 14 degrees 08 minutes West 2440 feet to a concrete monument; thence North 67 degrees 10 minutes East 95 feet to a corner in a branch on the West side of U. S. Highway 321, Bypass; thence with said branch in a northerly direction 1127 feet to a corner at the intersection of two branches near the Southern Glove Company plant property; thence a new line, 275 feet West of the center line of U. S. Highway 321 as follows: North 17 degrees 41 minutes East 735 feet to a concrete monument; thence North 17 degrees 45 minutes East 1750 feet to a concrete monument; thence South 77 degrees 15 minutes East 275 feet to a corner in the center of U. S. Highway 321; thence with the center of said highway, South 16 degrees 10 minutes West 55 feet to a corner in said highway; thence leaving said highway and running along the North edge of the proposed street or road, South 75 degrees 15 minutes East 250 feet to a concrete monument; thence continuing with said proposed road, South 57 degrees 40 minutes East 195 feet to a corner in the branch where the above said road would cross; thence continuing with a branch; North 68 degrees 50 minutes East 354 feet to a corner in said branch; thence continuing again with said branch, North 88 degrees 55 minutes East 698 feet to a corner in said branch at a dry ditch; thence continuing with the

dry ditch, North 45 degrees 30 minutes East 132 feet to a corner in the center of proposed Shipp Avenue undeveloped; thence with the center line of said Shipp Avenue undeveloped, North 1 degree 20 minutes West 46 feet to a corner in said Shipp Avenue; thence with a property line, South 88 degrees 0 minutes East 208 feet to a concrete monument; thence North 1 degree 20 minutes West with the rear property line of the front adjacent lot 181 feet to an iron pin; thence with another property line, South 85 degrees 25 minutes East 306 feet to a point in the center line of No. 16 Highway or North Main Avenue Extended; thence with the center line of North Main Avenue, South 0 degrees 35 minutes West 82 feet to a corner in said North Main Avenue; thence with the northern boundary of 29th Street, North 88 degrees 15 minutes East 423 feet to a corner in the center line of Southern Railway main line; thence with the center line of said Southern Railway main line, South 6 degrees 23 minutes East 462 feet to a corner in said railroad opposite the Pittman lot northeast corner; thence continuing with the railroad, South 6 degrees 23 minutes East 100 feet to a corner in the center of said railroad, opposite the southeast corner of the Pittman lot; thence continuing with the center line of said railroad, South 6 degrees 25 minutes East 347.8 feet to a corner in the said railroad; thence leaving the railroad, North 81 degrees 07 minutes East 258.8 feet to an iron pin; thence North 11 degrees 32 minutes West 104.7 feet to an iron pin; thence North 83 degrees 12 minutes East 254.2 feet to an iron pin; thence North 70 degrees 38 minutes East 685.4 feet to an iron pin; thence North 18 degrees 15 minutes West 134.8 feet to a stake; thence North 57 degrees 28 minutes East 128.21 feet to a stake; thence North 19 degrees 47 minutes West 128 feet to a stake; thence North 72 degrees 45 minutes East 277.2 feet to a corner in a branch of McLin's Creek; thence down the branch as follows: South 67 degrees 30 minutes East 37.15 feet; thence South 11 degrees 08 minutes East 30.16 feet; thence South 15 degrees 15 minutes East 40.3 feet; thence South 45 degrees 47 minutes East 96.09 feet; thence South 32 degrees 36 minutes East 53.1 feet; thence South 5 degrees 30 minutes East 75.34 feet; thence South 33 degrees 43 minutes East 210.99 feet to a corner in the branch, a corner of the Conover City Limits; thence continuing down the branch of McLin's Creek as it meanders in a southerly direction 475 feet to a corner in the creek; thence leaving the branch, South 67 degrees 10 minutes West 415 feet to a concrete monument, the old corner of the Newton Corporate Limits; thence running a due South line from this corner a distance of approximately 15,550 feet to the point of BEGINNING.

Excepted from the above description and corporate limits is the following described tract of land known as the American Legion Property located in South Newton and described as follows:

BEGINNING at a corner in the center of U. S. Highway 321 Bypass, the southeast corner of the American Legion property and an old boundary corner of the city limits, and runs thence along the center line of said U. S. Highway 321 Bypass in a northerly direction, 670 feet to a corner in the center of said highway; thence South 69¾ degrees West 1032 feet along the South edge of West I Street to a corner; thence with the East edge of Ridge Street, South 27 degrees 10 minutes East 660 feet to a

corner; thence North 70 degrees 50 minutes East 122 feet to a corner; thence North 5 degrees 35 minutes East 38.4 feet to a corner; thence South 88 degrees 30 minutes East 535 feet, more or less, to a corner in the North edge of Westside Drive; thence along the North edge of Westside Drive, North 53½ degrees East 88 feet to a corner; thence along the North edge of Westside Drive, North 46 degrees 36 minutes East 333 feet to the BEGINNING.

Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND BOARD OF ALDERMEN

Section 3.1. Composition of Board of Aldermen. The Board of Aldermen shall consist of six members to be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV.

Section 3.2. Mayor and Mayor Pro Tempore. The mayor shall be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV. The mayor shall be the official head of the city government and shall preside at all meetings of the Board of Aldermen. Where there is an equal division upon any question, or in the appointment of officers, by the Board, the mayor shall determine the matter by his vote, and he shall vote in no other case. The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The Board of Aldermen shall choose one of its number to act as mayor pro tempore, and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the board.

Section 3.3. Terms; Qualifications; Vacancies.

(a) The members of the Board of Aldermen shall serve for terms of four years, and the mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as mayor or as a member of the Board of Aldermen, or to serve in such capacity, unless he is a resident and a qualified voter of the city.

(c) If any elected mayor or alderman shall refuse to qualify, or if there shall be any vacancy in the office of mayor or alderman after election and qualification, the remaining members of the board shall by majority vote appoint some qualified person to serve for the unexpired term. Any mayor or alderman so appointed shall have the same authority and powers as if regularly elected.

Section 3.4. Compensation of Mayor and Aldermen. The mayor shall receive for his services such salary as the Board of Aldermen shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Aldermen may establish a salary for its members which may be increased or reduced but

no increase shall be made to take effect as to any aldermen during the respective term of office which he is serving at the time the increase is voted.

Section 3.5. Organization of Board; Oaths of Office. The Board of Aldermen shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the mayor and each alderman shall take, subscribe, and have entered upon the minutes of the board the following oath of office: "I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability, so help me God."

Section 3.6. Meetings of Board.

(a) The Board of Aldermen shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the mayor or a majority of the aldermen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the Board of Aldermen shall be open to the public. The board shall not by executive session or otherwise formally consider or vote upon any question in private session.

Section 3.7. Quorum; Votes.

(a) A majority of the members elected to the Board of Aldermen shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members of the Board of Aldermen shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

Section 3.8. Ordinance and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the board. The enacting clause of all ordinances shall be: "Be it ordained by the Board of Aldermen of the City of Newton." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Section 4.1. Regular Municipal Election. The regular municipal elections shall be held on the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the city voting at large a mayor to serve for a term of two years and three aldermen to serve for terms of four years, or until their successors are elected and qualify.

Section 4.2. Voting. Each voter shall be entitled to vote for one candidate for mayor and for three candidates for aldermen. The candidate for mayor who receives the largest number of votes shall be declared elected, and the three candidates for aldermen who receive the largest numbers of votes for aldermen shall be declared elected.

Section 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of mayor or alderman shall file with the city clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days nor later than 12:00 o'clock noon on the third Saturday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: "I,.....
....., do hereby give notice that I am a candidate for election to the office of ....., to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the City of Newton, residing at.....
.....

(Signature)

.....

(Date)

.....

Witness:.....".

Section 4.4. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. CITY MANAGER

Section 5.1. Appointment; Compensation. The Board of Aldermen shall appoint an officer whose title shall be city manager and who shall be the chief executive officer of the city and the head of the administrative branch of the city government. The city manager shall be chosen by the board solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the city, but shall reside herein during his tenure of office. No person elected as mayor or as a member of the Board of Aldermen shall be eligible for appointment as city manager until after the expiration of the term for which he was elected. The city manager shall serve at the pleasure of the Board of Aldermen and shall receive such salary as the board shall fix. In case of absence or disability of the manager, the board may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

Section 5.2. Chief Administrator. The city manager shall be responsible to the Board of Aldermen for the proper administration of all the affairs of the city. As chief administrator, the city manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the city attorney

and city auditor, who shall be appointed as provided elsewhere in this Charter. Neither the mayor nor the Board of Aldermen nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the mayor and the Board of Aldermen and its members shall deal with officers and employees in the administrative service only through the city manager, and neither the mayor nor the Board of Aldermen nor any of its members shall give orders or directions to any subordinate of the city manager, either publicly or privately.

Section 5.3. Duties of City Manager. It shall be the duty of the city manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the Board of Aldermen and the laws of the State are faithfully executed and enforced; to make such recommendations to the Board of Aldermen concerning the affairs of the city as he shall deem expedient; to keep the Board of Aldermen advised of the financial condition and the future financial needs of the city; to attend all meetings of the Board of Aldermen and to prepare and submit to the board such reports as he may deem expedient or as may be required of him by the board; and to perform all other duties as may be required of him by the Board of Aldermen.

ARTICLE VI. CITY ATTORNEY

Section 6.1. Appointment; Qualifications; Term; Compensation. The Board of Aldermen shall appoint a city attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The city attorney shall serve at the pleasure of the Board of Aldermen and shall receive such compensation as the board shall determine.

Section 6.2. Duties of City Attorney. It shall be the duty of the city attorney to prosecute and defend suits for and against the city; to advise the mayor, Board of Aldermen, city manager, and other city officials with respect to the affairs of the city; to draw all legal documents relating to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend all meetings of the Board of Aldermen; and to perform such other duties as may be required of him by virtue of his position as city attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Section 7.1. City Clerk. The city manager may appoint a city clerk to keep a journal of the proceedings of the Board of Aldermen and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the manager may direct.

Section 7.2. City Tax Collector. The city manager may appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general

laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 7.3. City Accountant. The Board of Aldermen may appoint a city accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

Section 7.4. Consolidation of Functions. The city manager may, in his discretion, consolidate any two or more of the offices of city clerk and city tax collector, or may assign the functions of any one or more of these offices to the holder or holders of any other of these offices. The city manager may also, in his discretion, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

ARTICLE VIII. FINANCE AND TAXATION

Section 8.1. Custody of City Money. All moneys received by the city or in connection with the business of the city government shall be paid promptly into the city depositories. Such institutions shall be designated by the Board of Aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All moneys belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 8.2. Issuance of Bonds. The city may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Section 8.3. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The Board of Aldermen shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the Board of Aldermen.

Section 8.4. Delinquent Taxes to General Fund. The Board of Aldermen may, in its discretion, direct the payment into the General Fund of all or any part of the proceeds of taxes which are, when collected, two or more years delinquent.

Section 8.5. Discounts for Prepayment of Taxes; G. S. 105-345 Amended as to City. Subsection (6) of G. S. 105-345 shall not apply to the City of Newton. The maximum discount allowable for prepayment of taxes to the city shall be one per cent (1%), to be allowed if paid within 15 days after the last tax notice in the regular books has been mailed to the taxpayers of the city or at any time prior thereto. Taxes shall be collected at net after such 15 day period and through the first day of February. Penalties shall accrue as provided by G. S. 105-345. The tax collector shall certify the date on which the last tax notice from the regular books has been mailed.

ARTICLE IX. PURCHASES AND CONTRACTS; SALE OF PROPERTY

Section 9.1. Purchases and Contracts. All purchases of apparatus, supplies, materials and equipment, and all contracts for construction or repair work shall be made in accordance with applicable provisions of the General Statutes.

Section 9.2. Disposal of Surplus Personal Property. The Board of Aldermen shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the board has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the board may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the board;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the board.

ARTICLE X. POLICE

Section 10.1. Jurisdiction Extended.

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Section 10.2. Effect of Ordinances on Town Property. All applicable ordinances of the city shall have full force and effect upon and within all city-owned property and facilities, whether located within or outside the corporate limits.

ARTICLE XI. RETIREMENT SYSTEM

Section 11.1. Establishment. The Board of Aldermen of the City of Newton is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries, in the following cases:

(a) Retirement, because of age;

(b) Disability;

(c) Death.

Section 11.2. Coverage; Benefits. Such system shall include such officers and employees of the city as shall be determined by the Board of Aldermen. The city shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal

services rendered to the city by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the city prior to the establishment thereof, and the city may contribute the entire cost of benefits based on any such prior service. The Board of Aldermen may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the Board of Aldermen and the board shall appropriate each year sufficient revenue to provide for the expense of the administration.

Section 11.3. Maintained on Solvent Basis. The system shall be maintained on a solvent actuarial reserve basis for all benefits beginning at its inauguration date, excepting the present value of benefits based on prior service.

Section 11.4. Contributions. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than 40 years from the date of establishment of the system.

Section 11.5. Contracts for Payment. The city may provide for the payment of one or more of the benefits enumerated in this Article by contracting with the governing body of any other municipality or municipalities in the State, with the United States government or any of its agencies or departments, or may contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such Fund, or for the investment, care, or administration of such Fund, or for any other service relating thereto.

The city or any other governing body, agency, insurance company, person, or corporation contracting with the city for the investment, care or administration of said system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.

Section 11.6. Not to Limit Other Authority. Nothing in this Article shall be construed so as to prohibit the city from providing or continuing to provide Old Age and Survivors' Insurance, or Social Security coverage, for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the Fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act.

ARTICLE XII. STREET IMPROVEMENTS: ASSESSMENT OF COSTS

Section 12.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the city for making street improvements, the Board of Aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Section 12.2. When Petition Unnecessary. The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property

owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the board as a fact:

(a) That the street improvement project does not exceed three thousand lineal feet, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Section 12.3. Street Improvement Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Section 12.4. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Section 12.5. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

ARTICLE XIII. SIDEWALKS

Section 13.1. Maintenance of Sidewalks. It shall be the duty of every property owner in the city to keep clean and free of debris, trash and other obstacles or impediments the sidewalks abutting his property.

ARTICLE XIV. REFUSE, WEEDS, AND TRASH

Section 14.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the city to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Section 14.2. Removal of Offensive Matter; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as

provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XV. SUBDIVISION CONTROL

Section 15.1. Platting Authority. The Board of Aldermen is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article lying within the city or within the mile in any direction of the corporate limits and not located in any other municipality. In the event of land lying outside the city within one mile of the corporate limits and lying also within the subdivision control jurisdiction of another municipality, the jurisdiction of the city shall terminate at a boundary line equidistant from the corporate limits of the city and the corporate limits of the other municipality.

Section 15.2. Adoption of Ordinance; Procedure. Before the board shall adopt a subdivision control ordinance or any amendment thereto, it shall hold a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published within the city, or if no newspaper is so published, by posting such notice at four public places in the city. The notice shall be published the first time, or posted, not less than 15 nor more than 25 days prior to the date fixed for the hearing.

Section 15.3. If the board adopts an ordinance regulating the subdivision of land, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the board and such approval entered in writing on the plat by the city clerk, provided a copy of such ordinance shall be filed with the Register of Deeds of Catawba County. The Register of Deeds upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the city as herein defined without the approval of such plat by the board. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the city as herein defined. The Clerk of Superior Court of Catawba County shall not order or direct this recording of a plat where such recording would be in conflict with this Section.

Section 15.4. Subdivision Regulations. Prior to exercising the powers granted by this Article, the board shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 15.1 of this Article. The ordinance shall require that at least a preliminary plea of every proposed subdivision shall be submitted for study, recommendation and tentative approval to the board or to the planning board or commission.

The ordinance may provide for the orderly development of the city and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservations of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and over-crowding, and which shall create conditions essential to public health, safety, and general welfare.

The ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines, street paving, curbing and guttering, and street drainage facilities in accordance with policies and standards established by the board and, to assure compliance with such requirements, the ordinance may require the posting of bond or other such methods as shall offer guarantee of compliance.

Section 15.5. Effect of Plat Approval on Status of Dedications. The approval of a plat by the board shall not be deemed to constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Section 15.6. Penalties for Transferring Lots in Unapproved Subdivision. If the board adopts an ordinance regulating the subdivision of land as authorized by this Article, any person, who, being the owner or agent of the owner of any land located within the platting jurisdiction of the city as defined by Section 15.1 of this Article, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the board and recorded in the Register of Deeds' office, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through the city attorney or other official designated by the board, may enjoin such transfer or sale by action for injunction.

Section 15.7. Definitions. For purposes of this Article, a "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building developments, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Article: (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown in its subdivision regulations; (b) The division of land into parcels greater than five acres where no street right-of-way dedication is involved; (c) The public acquisition by purchase of strips of land for the widening or opening of streets; (d) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the city, as shown in its subdivision regulations.

ARTICLE XVI. CLAIMS AGAINST THE CITY

Section 16.1. Presentation of Claims; Suit Upon Claims.

(a) All claims or demands against the City of Newton arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose or for the ejectment of the city therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Aldermen of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

Sec. 2. The purpose of this Act is to revise the Charter of the City of Newton and to consolidate herein certain Acts concerning the property, affairs, and government of the city. It is intended to continue without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Sections 104 through 131 of Chapter 39, Private Laws of 1907;
(b) Sections 4 and 5 of Chapter 240, Private Laws of 1911;
(c) Chapter 48, Private Laws of 1919;
(d) Chapter 145, Private Laws of 1925;
(e) Chapter 55, Private Laws of 1933;

(f) Chapter 200, Private Laws of 1935;
(g) Chapter 512, Session Laws of 1951;
(h) Chapter 731, Session Laws of 1955;
(i) Chapter 716, Session Laws of 1961;
(j) Any other Acts concerning the property, affairs of government of public schools in the City of Newton;
(k) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:
(1) Chapter 247, Private Laws of 1854-55;
(2) Chapter 14, Private Laws of 1865-66;
(3) Chapter 48, Private Laws of 1858-59;
(4) Chapter 98, Private Laws of 1873-74;
(5) Chapter 113, Private Laws of 1889;
(6) Chapter 248, Private Laws of 1889;
(7) Chapter 362, Private Laws of 1893;
(8) Sections 1 through 103 and Sections 132 through 133 of Chapter 39, Private Laws of 1907;
(9) Sections 1 through 3 of Chapter 240, Private Laws of 1911;
(10) Chapter 158, Private Laws of 1915;
(11) Chapter 21, Private Laws of 1924 (Extra Session);
(12) Chapter 160, Private Laws of 1925;
(13) Chapter 96, Private Laws of 1929;
(14) Chapter 152, Private Laws of 1929;
(15) Chapter 195, Private Laws of 1929;
(16) Chapter 271, Public-Local Laws of 1937;
(17) Chapter 15, Public-Local Laws of 1939;
(18) Chapter 4, Private Laws of 1941;
(19) Chapter 209, Public-Local Laws of 1941;
(20) Chapter 90, Session Laws of 1949;
(21) Chapter 91, Session Laws of 1949;
(22) Chapter 92, Session Laws of 1949;
(23) Chapter 108, Session Laws of 1949;
(24) Chapter 774, Session Laws of 1949;
(25) Chapter 1266, Session Laws of 1949;
(26) Chapter 208, Session Laws of 1953;
(27) Chapter 525, Session Laws of 1953;
(28) Chapter 53, Session Laws of 1959;
(29) Chapter 293, Session Laws of 1959;
(30) Chapter 149, Session Laws of 1963.

(b) The following Acts, applying to more than one political subdivision, are hereby repealed in their application to the City of Newton:
(1) Chapter 465, Session Laws of 1943;
(2) Chapter 525, Session Laws of 1943;
(3) Chapter 1135, Session Laws of 1951.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Newton, and all existing rules or regulations of departments or agencies of the City of Newton, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Newton or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. General Repeal. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

S. B. 105 CHAPTER 113

AN ACT TO AMEND G. S. 153-9(47) SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO APPOINT A PLUMBING INSPECTOR WHOSE DUTY IT WILL BE TO ENFORCE PLUMBING REGULATIONS IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The second pargraph of G. S. 153-9(47), as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by inserting after the comma following the word "Montgomery" and before the word "Orange" in line three in said paragraph the word "Onslow".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

S. B. 113

CHAPTER 114

AN ACT TO AMEND CHAPTER 279 OF THE SESSION LAWS OF 1947 AS THE SAME APPLIES TO THE ELECTION OF TOWN COMMISSIONERS IN THE TOWN OF HILLSBOROUGH.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 279 of the Session Laws of 1947 is amended by rewriting the first sentence thereof to read as follows:

"For the purpose of electing a mayor and commissioners at large, all of the Town of Hillsborough, North Carolina, there shall be held in said town on Tuesday after the first Monday in May, 1967, and biennially thereafter, a nonpartisan election."

Sec. 2. Section 11 of Chapter 279 of the Session Laws of 1947 is hereby amended by rewriting said Section to read as follows:

"In the town election to be held in the year 1967, there shall be elected five commissioners, three commissioners to be elected for terms of four years each, and two commissioners to be elected for terms of two years each. The three candidates receiving the highest number of votes shall be declared elected for the four-year terms, and the two candidates receiving the next highest number of votes shall be declared elected for the two-year terms. In the event a tie vote makes it impossible to determine which candidates have been elected for the four-year terms, the mayor shall designate which have been elected for the four-year terms. In the event there shall be a tie for fifth place as commissioner, then and in that event the town commissioners shall thereupon call and arrange a second election to be held on the fourth Tuesday after the first Monday in May following the election for the purpose of electing an officer as between the two candidates tied for fifth place. That in all elections held subsequent to the elections for the year 1967 commissioners shall be elected for a term of four years. In case of a vacancy in the office of commissioner, the remaining commissioners shall fill the same for the remainder of the unexpired term."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 65

CHAPTER 115

AN ACT TO FIX THE FEES OF JURORS IN THE COUNTY COURT OF STANLY COUNTY AT EIGHT DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Section 1. The fees for jurors in the County Court of Stanly County are hereby fixed at eight dollars ($8.00) per juror per day.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 166 **CHAPTER 116**

AN ACT TO AMEND G. S. 8-57 TO ALLOW A SPOUSE TO BE EXAMINED IN BEHALF OF THE STATE AGAINST THE OTHER SPOUSE IN CERTAIN CRIMINAL PROSECUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-57, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes of North Carolina, is hereby amended by rewriting the last sentence to read as follows: "Nothing herein shall render any spouse competent or compellable to give evidence against the other spouse in any criminal action or proceeding, except to prove the fact of marriage and facts tending to show the absence of divorce or annulment in cases of bigamy and in cases of criminal cohabitation in violation of the provisions of G. S. 14-183, and except that in all criminal prosecutions of a spouse for an assault upon the other spouse, or for any criminal offense against a legitimate or illegitimate or adopted or foster minor child of either spouse, or for abandonment, or for neglecting to provide for the spouse's support, or the support of the children of such spouse, it shall be lawful to examine a spouse in behalf of the State against the other spouse: Provided that this Act shall not affect pending litigation relating to a criminal offense against a minor child.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 218 **CHAPTER 117**

AN ACT TO AUTHORIZE THE HOLDING OF COURTS INFERIOR TO THE SUPERIOR COURT AND THE LOCATION OF COUNTY OFFICES IN THE COURTHOUSE ANNEX OR OTHER BUILDINGS IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Courts inferior to the Superior Court are hereby authorized to be held in the Courthouse Annex or in any other building, or buildings, located in the City of Sanford in Lee County, as designated by the Board of County Commissioners. The Board of Commissioners of Lee County is hereby authorized to locate any county office, or offices, in the Courthouse Annex or in any other building, or buildings, located in Lee County, as designated by the Board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 219

CHAPTER 118

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO DRAW ADDITIONAL JURORS FOR CRIMINAL AND CIVIL SESSIONS OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"In Lee County, the Board of County Commissioners shall draw not exceeding 75 jurors for each criminal, civil or mixed session of Superior Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 223

CHAPTER 119

AN ACT RELATING TO THE ADMINISTRATION OF CHARITABLE TRUSTS, DEVISES AND BEQUESTS.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 36 of the General Statutes is hereby amended by adding at the end thereof a new Section to be numbered G. S. 36-23.2 and to read as follows:

"§ 36-23.2. Charitable Trusts Administration Act. (a) If a trust for charity is or becomes illegal, or impossible or impracticable of fulfillment or if a devise or bequest for charity, at the time it was intended to become effective is illegal, or impossible or impracticable of fulfillment, and if the settlor, or testator, manifested a general intention to devote the property to charity, any Judge of the Superior Court may, on application of any trustee, executor, administrator or any interested party, or the Attorney General, order an administration of the trust, devise or bequest as nearly as possible to fulfill the manifested general charitable intention of the settlor or testator. In every such proceeding, the Attorney General, as representative of the public interest, shall be notified and given an opportunity to be heard. This Section shall not be applicable if the settlor or testator has provided, either directly or indirectly, for an alternative plan in the event the charitable trust, devise or bequest is or becomes illegal, impossible or impracticable of fulfillment. However, if the alternative plan is also a charitable trust or devise or bequest for charity and such trust, devise or bequest for charity fails, the intention shown in the original plan shall prevail in the application of this Section.

"(b) The words 'charity' and 'charitable', as used in this Section shall include, but shall not be limited to, any eleemosynary, religious, benevolent, educational, scientific, or literary purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 232 CHAPTER 120

AN ACT RELATING TO THE DRAWING OF JURORS IN HOKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding thereto the following paragraph, immediately following the thirteenth paragraph thereof:

"In Hoke County the Board of County Commissioners shall draw not exceeding 60 jurors for each criminal or mixed term of Superior Court and not exceding 48 jurors for each civil term of court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification, and shall also be retroactive to January 1, 1967, and the drawing of any jurors in Hoke County since January 1, 1967 and prior to the effective date of this Act shall be valid and effective as if done pursuant to law.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 239 CHAPTER 121

AN ACT TO SET THE COSTS IN CIVIL AND CRIMINAL ACTIONS IN THE COURTS OF THE JUSTICES OF THE PEACE IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The following schedule of fees and costs shall be charged in all civil and criminal actions and proceedings in the courts of the several justices of the peace in Alamance County:

CIVIL PROCEEDINGS

a. Every action or proceeding in ejectment, and every action or proceeding in which ancillary relief is sought, including, without limitation, claim and delivery, attachment, and garnishment, whether contested or uncontested $10.00
b. Every other contested action 10.00
c. Every other uncontested action 5.00
d. Year's allowance for spouse or child, which shall include one dollar ($1.00) for each of two commissioners to be collected by the justice and paid to the commissioners:
   (1) If allotted at the office of the justice ..... $ 7.00
   (2) If allotted on the premises of the deceased 12.00
e. Performing marriage ceremony 10.00
f. Acknowledgment, jurat or oath ..... .50

CRIMINAL PROCEEDINGS

a. Peace warrant, to be paid in advance by complainant $50.00
b. Every other contested action, to be paid by convicted defendant ... 10.00
c. Every other uncontested action, to be paid by convicted defendant . 7.50
d. Every action of which the justice has not final jurisdiction, to be remitted by the court in which conviction is had, upon its receipt from the defendant 5.00

Sec. 2. Fees and costs in civil matters shall be paid in advance by the party seeking the service or initiating the action. In all actions other than those mentioned in subparagraph (a) of the paragraph entitled Civil Proceedings in Section 1 above, five dollars ($5.00) shall be advanced by the plaintiff at the institution of the action, and the remaining five dollars ($5.00), should the action be contested, at the beginning of the trial.

Sec. 3. The fees and costs set forth in this Section are complete and exclusive and shall constitute full payment for every service to be rendered by the justice in the entire action or proceeding, regardless of its brevity or length.

Sec. 4. Nothing herein contained shall affect the liability of any party for taxes, officers' fees, witness' fees, jury fees, or any other expenses which may be incident to any action or proceeding and which are authorized by law.

Sec. 5. Chapter 668, Session Laws of 1951, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

H. B. 295 CHAPTER 122

AN ACT TO AMEND CHAPTER 1073 OF THE SESSION LAWS OF 1959 RELATING TO PISTOL PERMITS SO AS TO MAKE THE SAME APPLICABLE TO JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073 of the Session Laws of 1959 is amended by striking out the word "Johnston" in the third line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1967.

S. B. 37 **CHAPTER 123**

AN ACT TO CONFER UPON THE STATE BOARD OF HEALTH THE AUTHORITY TO PROMULGATE REASONABLE REGULATIONS CONCERNING THE USE OF ETHYL ALCOHOL IN CHEMICAL TESTING PROGRAMS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-139.1 is amended to add the following subsection:

(e) The State Board of Health is empowered to make regulations concerning the ingestion of controlled amounts of beverages containing ethyl alcohol by individuals submitting to chemical analyses as a part of scientific, experimental, educational, or demonstration programs. Such regulations shall prescribe procedures consistent with controlling Federal law governing the acquisition, transportation, possession, storage, administration, and disposition of ethyl alcohol or of beverages containing ethyl alcohol intended for use in such programs. Any person acquiring ethyl alcohol or beverages containing ethyl alcohol under such regulations shall keep records accounting for the disposition of all ethyl alcohol and beverages containing ethyl alcohol so acquired, and such records shall at all reasonable times be available for inspection upon the request of any Federal or State law enforcement officer with jurisdiction over the laws relating to alcohol or intoxicating liquor. All Acts done pursuant to such regulations reasonably in furtherance of bona fide objectives of the chemical testing program within this State shall be lawful notwithstanding the provisions of any other general, special, or local statute or any ordinance or regulation of the State or of any agency or subdivision of the State. Regulations of the State Board of Health adopted pursuant to this Section shall be filed and published in accordance with the provisions of §§ 143-195 to -198.1.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after its date of ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

S. B. 137 **CHAPTER 124**

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 929, Session Laws of 1957, is hereby amended by rewriting the first paragraph of Section 1 thereof to read as follows:

"The chairman of the Board of County Commissioners of Robeson County shall receive as compensation for his services the sum of one hundred and fifty dollars ($150.00) per month. The other members of said Board shall receive as compensation for their services, the sum of seventy-five dollars ($75.00) per month."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

S. B. 150

CHAPTER 125

AN ACT TO INCREASE THE MEMBERSHIP OF THE ROBESON COUNTY BOARD OF COMMISSIONERS TO SEVEN, AND TO PROVIDE FOR THE ELECTION OF THE ADDITIONAL MEMBER.

The General Assembly of North Carolina do enact:

Section 1. The membership of the Board of County Commissioners of Robeson County is hereby increased to seven and the additional member shall represent the Lumberton District. The additional member shall be nominated and elected at the 1968 primary and general election in the same manner and under the same laws, rules and regulations as now prescribed for the nomination and election of the other County Commissioners of Robeson County.

Sec. 2. At the 1968 general election for County officers, the additional commissioner for the Lumberton District shall be elected for a term of two years. In 1970, and quadrennially thereafter, the additional commissioner shall be elected for a term of four years.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

S. B. 154

CHAPTER 126

AN ACT RELATING TO TEMPORARY QUARTERS FOR GOVERNMENTAL AGENCIES OF GUILFORD COUNTY PENDING THE CONSTRUCTION OF A NEW GOVERNMENTAL COMPLEX.

WHEREAS, the Board of County Commissioners of Guilford County proposes to construct new governmental buildings; and

WHEREAS, it will be necessary to establish temporary quarters for governmental functions of Guilford County; and

WHEREAS, this will necessitate securing temporary quarters for Guilford County governmental purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Guilford County is hereby authorized to secure by lease or otherwise and provide necessary temporary space for any governmental purpose of Guilford County within this County pending the construction of the governmental buildings. Such quarters so provided may be designated by the Board of Commissioners as the Guilford County Courthouse. It shall be lawful for the Board of County Commissioners to designate temporary quarters without designating these quarters as the Guilford County Courthouse. It shall be lawful in

these quarters so provided to hold sessions of court and any and all other hearings which are required to be heard at the County Courthouse. It shall be lawful to perform any of the governmental functions of Guilford County in these temporary quarters, and the quarters so designated are not required to be located in a single building but may be located in one or more buildings.

Sec. 2. The powers herein granted shall continue in full force until the new governmental buildings are constructed, accepted by the County and occupied by the various County officials, offices and agencies.

Sec. 3. This Act shall apply only to Guilford County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 7 CHAPTER 127

AN ACT TO EXEMPT LANDOWNERS AND CERTAIN MINORS FROM FISHING LICENSE REQUIREMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-276 is hereby amended by rewriting paragraphs (c) and (d) thereof to read as follows:

"(c) Any person who owns land, or who leases and uses land primarily for purposes of cultivation, his spouse, and any dependent member of his family who is under 21 years of age and resides with him may fish during the open seasons on such lands without being subject to the fishing license requirements of §§ 113-271 and 113-272.

"(d) Any individual under 16 years of age is exempt from the fishing license requirements of §§ 113-271 and 113-272 anywhere in the State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 98 CHAPTER 128

AN ACT TO AMEND THE LAW RELATING TO THE REVOCATION OF A WILL BY THE SUBSEQUENT MARRIAGE OF THE MAKER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 31-5.3 is hereby rewritten to read as follows:

"A will is not revoked by a subsequent marriage of the maker; and the surviving spouse may dissent from such will made prior to the marriage in the same manner, upon the same conditions, and to the same extent, as a surviving spouse may dissent from a will made subsequent to marriage."

Sec. 2. This Act shall apply only to wills of persons dying on or after October 1, 1967.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on October 1, 1967.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 184 CHAPTER 129

AN ACT TO AMEND CHAPTER 164, PRIVATE LAWS OF 1929, RELATING TO THE EMERGENCY RESERVE FUND OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. Chapter 164, Private Laws of 1929, as amended by Chapter 322, Session Laws of 1947, is hereby amended by striking out Section 5 thereof and substituting in lieu thereof a new Section 5 as follows:

"Sec. 5. Contributions and other income may be given by and accepted from any sources, including income derived from interest on investment of capital funds."

Sec. 2. Chapter 164, Private Laws of 1929, as amended by Chapter 323, Session Laws of 1945, is hereby amended by striking out Section 7 thereof and substituting in lieu thereof a new Section 7 as follows:

"Sec. 7. All officers within the meaning of this Act, after having served as such for a period of 20 years or more in the service of the municipality of the City of Greensboro, such services to be computed from actual time of service, whether commencing before or after the ratification of this Act, who shall have attained the age of 50 years, may, in the discretion of the board, be retired on a pension, to be determined by the board, and not in excess of one hundred dollars ($100.00) per month, said application for retirement pension being considered by the board upon voluntary application of such officer, or upon recommendation of the municipal governing body of the City of Greensboro, in whose services such officer shall be; and all officers pensioned in accordance with the provisions of this Section shall receive a minimum pension of fifty dollars ($50.00) per month. In the event that the income received from interest on investment of capital funds on hand, plus the amount collected as provided in Section 5 of this Act, is not sufficient to pay such maximum benefits as provided above to each person pensioned, the remainder needed may be paid from the principal of the reserve fund, subject however to the limitations as prescribed by Section 11.1 in the event said Section becomes applicable. All amounts received for the reserve fund herein provided, except the payments as above mentioned, shall become a part of the capital of the reserve fund. The Board of Directors may, at their discretion, set aside a sufficient part of this reserve fund to cover the total current liabilities for those persons receiving benefits from the fund, and may use the remainder of the reserve fund to furnish other retirement related benefits as they deem necessary and proper. The fiscal year shall begin on the first day of July of each year."

Sec. 3. Chapter 164, Private Laws of 1929, as amended, is hereby further amended by adding a new Section 11.1 as follows:

"Sec. 11.1. Upon a two-thirds consenting vote of all officers, as defined in Section 2 of this Act, the Emergency Reserve Fund of the City of Greensboro created by this Act shall revert to a perpetual retirement fund to be administered in the same manner as set forth in this Act for administering the Emergency Reserve Fund of the City of Greensboro; the capital of the Emergency Reserve Fund shall revert to the capital reserve fund of the perpetual fund. This fund shall not be reduced to an amount less than the total liability of the fund at any given time for those retired members and dependents receiving benefits on the day of the consenting vote; the benefits offered shall be as provided in Sections 6 and 7, except that in the sound judgment and discretion of the Board of Directors maximum benefits as contained in Sections 6 and 7 may be increased up to an amount not to exceed one hundred per cent (100%) of those benefits offered thereunder. Should this perpetual retirement fund be created, then through assessments levied against the membership of the fund, the amount of which to be determined by the Board of Directors, and any other income which may be derived under Section 5 hereof, there shall be provided income to meet current obligations of the fund and, in the discretion of the board, out of the balance of the income received, there shall be provided a reasonable amount equivalent to a portion of the liability of the fund to be allocated to the capital reserve fund for the current year. This amount shall be determined by the board and based upon actuarial recommendations made by an accredited actuarial firm. An actuarial study of the fund shall be conducted at the discretion of the Board of Directors, provided in no case shall the time between actuarial studies exceed 5 years."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 287 CHAPTER 130

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES OF NORTH CAROLINA AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. That the hereinafter named persons are hereby appointed members of the County Boards of Education for the several counties in the State as follows:

Alamance: Carl M. Sellars, Robert B. McQueen, Jr., each for a term of six years.

Alexander: W. Ray Lackey for a term of two years.

Alleghany: Clete B. Chaote for a term of four years, D. C. Bledsoe, Jr. for a term of two years.

Anson: Baxter T. McRae, J. P. Adcock, each for a term of six years.

Ashe: L. V. Ballou, Robert C. Barr, Robert R. Goodman, J. C. Little, Howard Reeves, Urcle Sheets, each for a term of two years.

Avery: M. S. Wise for a term of six years.

Beaufort: W. B. Voliva, Thad Tankard, Jr., J. Stancil Lilley, each for a term of four years.

Bertie: Mrs. Norman F. Perry, George W. Capehart, Jr., each for a term of six years.

Bladen: C. Rudolph Potter, R. C. Bridger, Luther C. Clark, J. Elliot Henry, Harvey Bledsoe, each for a term of two years.

Brunswick: Homer Holden, Norman Bellamy, Arthur J. Dosher, each for a term of four years.

Buncombe: Mrs. Clarence G. Roberts for a term of six years.

Cabarrus: L. C. Harmon, for a term of six years, Dr. Seth Bostick for a term of two years.

Camden: Daniel M. Forbes, Jr. for a term of four years.

Carteret: Harry Fulcher for a term of four years, George R. Cribb, Roland Salter, each for a term of two years.

Catawba: Martin S. Keisler for a term of six years.

Chatham: Lewis Norwood, James L. Griffin, each for a term of two years; Norman Lisk, Clifton Foushee, A. K. Miller, each for a term of four years.

Cherokee: Lewis King, Robert Stiles, each for a term of six years.

Chowan: N. J. George, Frank Williams, each for a term of four years.

Clay: Robert Alexander for a term of six years.

Cleveland: J. D. Ellis, Bobby G. Austell, Buford D. Cline, Robert F. Cabaniss, Charles D. Forney, Jr., each for a term of two years.

Columbus: Horace Miller, Carl Stephens, Worth D. Williamson, E. M. Griffin, R. E. Sessions, Robert C. Carroll, Waldo Marlowe, each for a term of two years.

Craven: J. Macon Miller, C. L. Powell, Robert M. Wilson, Leslie R. Sermons, Forrest Daugherty, Larry B. Pate, C. A. Seifert, Roger R. Bell, each for a term of two years.

Cumberland: Howard L. Hall, Alton E. Smith, J. Francis Strickland, each for a term of four years.

Currituck: E. M. Cooper, Richard M. Poyner, Baxter Williams, each for a term of two years; Carl L. Meads, Clifton H. (Moe) Moore, each for a term of four years.

Dare: Nellie G. Perry, Horace B. Hooper, Raymond B. Couch, each for a term of two years; Jack W. Cahoon, Lydia K. Tillett, each for a term of four years.

Davidson: Clarence Sink, Mrs. C. L. White, each for a term of four years.

Davie: G. R. Madison, W. J. Wilson, each for a term of six years.

Duplin: Edward L. Boyette for a term of four years; Russell Brock, James F. Strickland, each for a term of six years.

Edgecombe: Zeb E. Brinson, Clarence Weeks, each for a term of six years.

Franklin: A. Clinton Fuller, William T. Boone, each for a term of six years.

Gaston: Ray P. Craig, D. Lathan Friday, each for a term of six years.

Gates: D. C. Eure, Mrs. Novella R. Spivey, each for a term of six years.

Graham: Tony T. Ayers, Lloyd Millsaps, Ted Jordan, each for a term of four years.

Greene: Sara M. Stocks, J. Denver Hughes, W. D. Cobb, Jr., R. S. Holloman, Waitman H. Dixon, each for a term of two years.

Guilford: Zack L. Whitaker for a term of six years.

Halifax: C. M. Moore, Jr., Mrs. Joyce H. Shearin, C. H. Leggett, Jr., Jeff Whitehead, Mrs. A. L. Williams, A. G. Willcox, Jr., Henry L. Harrison, each for a term of two years.

Harnett: McBryde Cameron for a term of six years.

Henderson: J. T. Fain, Jr., Harvey A. Gale, Boyce A. Whitmire, each for a term of six years.

Hertford: Howard Hunter, Harold McCoy, Adrian Ray Lassiter, each for a term of four years.

Hoke: W. L. Howell, Jr., A. W. Wood, Jr., D. R. Huff, Jr., each for a term of four years.

Hyde: Wesley W. Ballance, Earl Pugh, Cecil R. Silverthorne, Walter Lee Gibbs, Alex M. Eley, each for a term of two years.

Iredell: James L. Vanstory for a term of four years; C. B. (Sam) Brown, A. C. Holthouser, each for a term of six years.

Johnston: Ray Boyette for a term of six years.

Jones: Charles R. Hughes, Walter Ives, Marvin Philyaw, J. C. West, Jr., John M. Booth, each for a term of four years.

Lee: W. C. Harward, Douglas H. Wilkinson, each for a term of six years.

Lenoir: Cephus A. Eubanks, Mark Louis Smith, Eugene B. Williams, J. Talbot Capps, Earl W. Kinsey, each for a term of two years.

Lincoln: W. A. Hull, Donnie P. Culberson, Robert L. Yoder, each for a term of four years.

Macon: Max Parrish for a term of two years; James C. Jacobs for a term of four years; W. T. (Tom) Jenkins for a term of six years.

Madison: W. O. Duck, Verlin Ricker, each for a term of two years; Joe R. Henderson, William M. Roberts, R. Bruce Sams, each for a term of four years.

Martin: J. A. Sharp, R. A. Haislip, Jr., Exum L. Ward, each for a term of four years.

Mitchell: Lat R. Westall for a term of six years.

Northampton: Scott Bowers, L. H. Taylor, Jr., John Wesley Parker, John J. Heller, James Hedspeth, C. G. Parker, Jr., W. C. Conner, each for a term of two years.

Pamlico: Rufus E. Brinson, Bert C. Day, Robert F. McCotter, Duval Hardison, Alton H. Lee, Orien Potter, Rex Potter, each for a term of two years.

Pasquotank: T. L. (Tom) McDaniels, William Ralph Thomas, Robert M. Byrum, each for a term of four years.

Pender: Dr. W. H. Young, J. J. Smith, M. F. Kelly, each for a term of four years.

Perquimans: Ralph F. Harrell, Clifford S. Winslow, each for a term of four years.

Pitt: Richard K. Worsley, William A. Moody, Roland G. Brinson, each for a term of six years.

Polk: Hubert McEntyre, T. B. Odel, Glenn York, Kay Conner, Oliver Taylor, each for a term of two years.

Randolph: Lynn Albright, Dr. Leonard Farlow, W. I. Gibson, Wade Harris, Howard Hinshaw, Bruce Pugh, A. A. Walker, each for a term of four years.

Richmond: Jimmy Maske, Harold N. Williams, each for a term of six years.

Robeson: W. Kemp Culbreth, Harry West Locklear, J. Girvon Sessoms, each for a term of four years.

Rockingham: M. Clay McCollum, E. C. Merricks, Florence D. Wharton, each for a term of four years.

Rowan: James A. Sloan for a term of six years.

Rutherford: William J. Stallings, Don H. Lovelace, B. Eugene Holland, each for a term of four years.

Sampson: Bynum Jackson, Lynton B. Wilson, James A. Ezzell, Joseph M. Butler and Bernice E. Lockamy, each for a term of two years.

Stanly: Eugene B. Pickler, Robert E. Lowder, each for a term of four years.

Stokes: S. Leroy Smith for a term of two years, Orell Amos, Mrs. George W. Hutchinson, each for a term of four years.

Surry: Joe A. Pell, Jr., Cecil E. Ring, Joe Folger, each for a term of four years.

Swain: James Lee Coggins, Marshall Smith, Paul Marr, Mrs. Jim Biggs, C. C. Wright, each for a term of two years.

Transylvania: Dr. John R. Folger, Jr., David C. Lea, each for a term of six years.

Tyrrell: Colon E. Snell, Dan E. Davis, Durwood Cooper, each for a term of two years.

Union: C. C. Burris, Lane B. Price, Bill F. Howie, J. Conley Baucom, James L. Davis, each for a term of two years.

Warren: W. Boyd Mayfield, S. H. Massey, Jr., Gideon F. Alston, E. R. Davis, R. C. Gupton, each for a term of two years.

Washington: James H. Ward, Sidney J. Hassell, Gordon A. Chesson, each for a term of four years.

Watauga: Mack D. Brown, Hugh B. Hagaman, H. W. Mast, Jr., each for a term of two years.

Wayne: J. G. Alley, David W. Hood, each for a term of six years.

Wilkes: C. Thomas Church for a term of six years.

Wilson: Dr. Badie T. Clark, L. A. Renfrow, each for a term of six years.

Yadkin: W. H. Poindexter, Jr., Leon F. Thomasson, each for a term of six years, John W. Conaway to serve until 1969.

Yancey: R. A. Radford, C. Wintz McIntosh, Ben T. Wilson, R. B. Deyton, J. L. Robinson, each for a term of two years.

Sec. 2. That the members of the several County Boards of Education appointed by this Act shall qualify by taking the oath of office on or before the first Monday in April, 1967, and shall, unless otherwise herein provided, hold office until the first Monday in April, 1969, and until their successors are elected and qualified, and together with the members of the Boards of Education of the several counties whose terms will not expire on the first Monday in April, 1967, shall constitute the Boards of Education of the respective counties.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 305 CHAPTER 131

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON, AS CONTAINED IN CHAPTER 89, PUBLIC-LOCAL LAWS OF 1941, RELATING TO TOWN POLICEMEN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 89 of the Public-Local Laws of 1941 is hereby amended by adding the following paragraph to subdivision (a) of Section 1 thereof:

"The Board of Aldermen of the Town of Lincolnton shall have the right to employ policemen for the Town of Lincolnton other than residents and qualified voters of the Town of Lincolnton."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 311 CHAPTER 132

AN ACT TO AMEND CHAPTER 47 OF THE SESSION LAWS OF 1963, BEING THE CHARTER OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 47 of the Session Laws of 1963 is hereby amended by striking out of the fifth and sixth lines of that portion of said Section appearing on page 36 of the Session Laws of 1963 published by authority of the General Assembly the words and figures "South 5 degrees 13 minutes West 372.14 feet" and inserting in lieu thereof the words and figures "South 3 degrees 31 minutes West 551.63 feet".

Sec. 2. Section 24 of Chapter 47 of the Session Laws of 1963 is hereby amended by rewriting the same to read as follows:

"Sec. 24. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the Board of Aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by law. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government should be disbursed only on vouchers signed by the Mayor or other elected town officers designated by the Board of Aldermen and countersigned by such other officers or employees as may be designated by the Board of Aldermen."

Sec. 3. Section 31 of Chapter 47 of the Session Laws of 1963 is hereby amended by rewriting the same to read as follows:

"Sec. 31. Assessments for Street Improvements. In addition to the authority that may now or hereafter be granted by general law to the Town of Kernersville for making street improvements and providing for the assessment of the costs thereof against abutting property owners, the Board of Aldermen is authorized to make street improvements to streets and assess the cost thereof in accordance with the requirements of this Section.

"(a) Whenever a majority of the owners owning a majority of the lineal footage of property abutting a street which is not more than six blocks in length or a maximum total distance of 3,000 lineal feet, are unwilling or fail to petition for a needed street improvement, the Board of Aldermen may order such improvement without petition, and may assess the total cost, or any part thereof, less the cost at street intersections, against the abutting property owners at an equal rate per front foot; provided, no street improvement without petition shall be ordered or undertaken and the cost thereof assessed to abutting property owners as authorized herein unless and until the Board of Aldermen finds as a fact:

"(1) That the street improvement project does not exceed six blocks in length or a maximum total distance of 3,000 linear feet; and

"(2) That such street or part thereof is unsafe for vehicular traffic and it is in the best public interest to make such improvement; or

"(3) That it is in the best public interest and for the welfare of the citizens of the town to connect two streets already paved;

"(b) Street improvements authorized by this Section shall include grading, regrading, surfacing or resurfacing, widening, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"(c) In ordering street improvements and levying assessments for the cost thereof under the authority granted by this Section, the Board of Aldermen shall pass and publish a resolution in substantial compliance with G. S. 160-83, levy the assessments and prepare an assessment roll in compliance with G. S. 160-85 and 160-86 and advertise and conduct a public hearing in compliance with G. S. 160-87 and G. S. 160-88; provided, no improvement authorized herein or the procedure authorized hereby shall be applicable or permit assessments for sidewalk or utility improvements. In addition, the provisions of G. S. 160-89 through G. S. 160-105 shall be applicable when the authority authorized by this Section is exercised.

"(d) The authority granted to the Town of Kernersville by this Section shall not be exercised by the Board of Aldermen unless four of the five members of the Board of Aldermen who are present and voting at a regular or special meeting cast their vote in favor of the use of this method for improving a street or part of a street in accordance with the requirements of this Section."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 380

CHAPTER 133

AN ACT INCREASING THE NUMBER OF MEMBERS AND APPOINTING THE MEMBERS OF THE BOARD OF EDUCATION OF THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of the Whiteville City School Administrative Unit shall consist of nine members.

Sec. 2. Dr. W. E. Baldwin, Lawrence Bowers, Ben H. Gilliam, Sankey Robinson, C. Bion Sears, E. L. White, Jr., Robert Wooten, J. B. Davis and Billy Hooks are hereby appointed members of the Board of Education of the Whiteville City School Administrative Unit.

Sec. 3. The above named members shall begin their terms of office on the first Monday in April, 1967, and the terms of office of the above named members shall continue for a term of two years thereafter and until their successors shall be duly appointed and qualified.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

H. B. 397

CHAPTER 134

AN ACT TO REPEAL CHAPTER 513 OF THE SESSION LAWS OF 1951, AND TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES OF THE SANFORD GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. The Board of Trustees of Sanford Graded School District, Lee County, shall consist of seven members, serving staggered six-year terms; that the present members of said Board of Trustees shall hold office until their terms of office respectively expire in accordance with previous elections, and the terms of the present members of said Board of Trustees are hereby ratified and confirmed.

Sec. 2. Regular elections to the Board of Trustees of the Sanford Graded School District shall be held biennially on the second Saturday after the first Monday in May, beginning in 1967. At the municipal election to be held in the City of Sanford on the second Saturday after the first Monday in May 1967, there shall be elected by the qualified voters of the Sanford Graded School District three Trustees to serve for a term of six years; and at said election on the second Saturday after the first Monday in May 1969, there shall be elected two Trustees of said School District to serve for a term of six years; and at said election on the second Saturday after the first Monday in May 1971, there shall be elected two Trustees to serve for a term of six years; and thereafter as their terms respectively expire their successors shall be elected for a term of six years.

The Trustees so elected shall be inducted into office on July 1 next following their election, unless said date falls on Sunday, in which event said Trustees shall be inducted into office on the following Monday.

Sec. 3. Each qualified person who would offer himself as a candidate for the Board of Trustees of the Sanford Graded School District shall file with the Board of Elections of Lee County a written statement giving notice of his candidacy. Such statement shall be filed not earlier than the ninth Monday and not later than five o'clock P.M. on the fifth Monday preceding the election at which he offers his candidacy, shall be accompanied by a filing fee of five dollars ($5.00), and shall be in substantially the following form:

"I, ..., do hereby give notice that I am a candidate for the election of the Board of Trustees of the Sanford Graded School District to be voted upon at the election to be held on ...., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Sanford Graded School District, residing at .....

.....(Signature).....

Witness:

....."

Sec. 4. The Board of Elections of Lee County shall conduct all Sanford Graded School District elections, including regular elections, bond elections, and any other authorized special elections. Except as otherwise provided in this Act or as otherwise provided in general or local Acts relating to bond elections, tax elections or other special elections in the Sanford Graded School District, all Sanford Graded School District Elections shall be conducted under the laws, rules, and regulations governing the conduct of General Elections in Lee County. The Board of Trustees of the Sanford Graded School District are hereby authorized to reimburse Lee County for the actual costs of conducting each election for the Sanford Graded School District.

Sec. 5. In conducting elections for the Sanford Graded School District, the Board of Elections of Lee County shall use the registration books of Lee County, and all persons now or hereafter duly registered in such registration books, who live within the Sanford Graded School District, shall be entitled to vote in all Sanford Graded School District Elections.

Sec. 6. Chapter 513 of the 1951 Session Laws is hereby repealed and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, but such repeal shall not be construed as reviving any laws in conflict herewith.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of March, 1967.

S. B. 101 CHAPTER 135

AN ACT REGULATING THE FEES OF JUSTICES OF THE PEACE IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 277, Session Laws of 1951, is hereby amended by deleting the words and figures "seven dollars ($7.00)" wherever

they appear in said Section, and inserting in lieu thereof the words and figures "eight dollars ($8.00)".

Sec. 2. Section 2 of Chapter 277, Session Laws of 1951, is hereby amended by deleting the words and figures "four dollars ($4.00)", in line 3, and inserting in lieu thereof the words and figures "eight dollars ($8.00)".

Section 2 is further amended by rewriting the third unnumbered paragraph thereof, to read as follows:

"There shall be assessed as costs, payable to the Justice of the Peace, the sum of eight dollars ($8.00) in all claim and delivery cases, and the sum of eight dollars ($8.00) in attachment cases."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

S. B. 128 CHAPTER 136

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROBESON COUNTY, IN THEIR DISCRETION, TO APPROPRIATE FUNDS AND TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF A LIBRARY IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Robeson County is hereby authorized and empowered, in its discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general County taxes are levied and collected, a special tax of not more than five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said County, the same when collected to be applied to the establishment, support, upkeep and maintenance of a public library for Robeson County, which library is operated for the benefit of the public in Robeson County, or for the establishment, support, upkeep and maintenance of a joint library established for Robeson County and one or more municipalities within Robeson County. The Board of Commissioners of Robeson County, in its discretion, may appropriate monies from the general fund of Robeson County for the establishment, support, upkeep and maintenance of such public library for Robeson County or such joint library established for Robeson County and one or more municipalities. The appropriations and taxes for the purposes hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose, within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Robeson County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 74 CHAPTER 137

AN ACT TO AMEND THE MARRIAGE LAWS SO AS TO ELIMINATE EPILEPSY AS AN IMPEDIMENT TO MARRIAGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-9, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by deleting from the third and fourth lines of the last paragraph thereof the phrase, "not subject to uncontrolled epileptic attacks, an idiot, an imbecile, a mental defective, or of unsound mind." and substituting in lieu thereof the following: "mentally competent.".

Sec. 2. G. S. 51-12, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by deleting from the second line thereof the phrase, "subject to epileptic attacks,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 192 CHAPTER 138

AN ACT TO AMEND CHAPTER 35, ARTICLE 7, OF THE GENERAL STATUTES RELATING TO THE STERILIZATION OF EPILEPTICS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 35-36, as it appears in Volume 2A, 1966 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"§35-36. State Institutions Authorized to Sterilize Mental Defectives. The governing body or responsible head of any penal or charitable institution supported wholly or in part by the State of North Carolina, or any subdivision thereof, is hereby authorized and directed to have the necessary operation for asexualization, or sterilization, performed upon any mentally diseased or feeble-minded inmate or patient thereof, as may be considered best in the interest of the mental, moral, or physical improvement of the patient or inmate, or for the public good: Provided, however, that no operation described in this Section shall be lawful unless and until the provisions of this Article shall first be complied with."

Sec. 2. G. S. 35-37, as it appears in Volume 2A, 1966 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"§ 35-37. Operations on Mental Defectives Not in Institutions. It shall be the duty of the board of commissioners of any county of North Carolina, at the public cost and expense, to have one of the operations described in § 35-36, performed upon any mentally diseased or feeble-minded resident

of the county, not an inmate of any public institution, upon the request and petition of the director of public welfare or other similar public official performing in whole or in part the functions of such director, or of the next of kin, or the legal guardian of such mentally defective person: Provided, however, that no operation described in this Section shall be lawful unless and until the provisions of this Article shall be first complied with."

Sec. 3. G. S. 35-38, as it appears in Volume 2A, 1966 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"§ 35-38. Restrictions on Such Operations. No operation under this Article shall be performed by other than a duly qualified and registered North Carolina physician or surgeon, and by him only upon a written order signed after complete compliance with the procedure outlined in this Article by the responsible executive head of the institution or board, or the director of public welfare, or other similar official performing in whole or in part the functions of such director, or the next of kin or legal guardian having custody or charge of the feeble-minded or mentally defective inmate, patient or non-institutional individual."

Sec. 4. G. S. 35-39, as it appears in Volume 2A, 1966 Replacement, of the General Statutes of North Carolina, is hereby amended by striking out the following: "epileptic," immediately following the word "feeble-minded" in line 6 and by striking out the comma immediately following the word "feeble-minded" in line 6.

Sec. 5. G. S. 35-57, as it appears in Volume 2A, 1966 Replacement, of the General Statutes of North Carolina, is hereby amended by striking out the following: "epileptic," immediately following the word "feeble-minded" in line 1 and by striking out the comma immediately following the word "feeble-minded" in line 1.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 201 CHAPTER 139

AN ACT TO AMEND GS 47-17.1, SO AS TO REQUIRE DOCUMENTS AND PAPERS TO BE PROBATED AND RECORDED TO DESIGNATE THE DRAFTSMAN THEREOF IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in line 13, immediately after the word "Cherokee" and before the word "Cumberland", the word "Craven".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 283 **CHAPTER 140**

AN ACT RELATING TO THE APPROPRIATION IN CHAPTER 916 OF THE SESSION LAWS OF 1965 WITH RESPECT TO RENOVATION OF THE EDGERTON BUILDING AT DOROTHEA DIX HOSPITAL.

WHEREAS, the sum of one hundred and ninety thousand dollars ($190,000.00) was appropriated with respect to Dorothea Dix Hospital by Chapter 916 of the Session Laws of 1965 to renovate the Edgerton Building; and

WHEREAS, it was understood that the renovation was for the purpose of patient occupancy; and

WHEREAS, the State Department of Mental Health has concluded it would be more advantageous to use such funds to renovate the Edgerton Building to accommodate the central research facilities of said Department rather than for patient occupancy: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The one hundred and ninety thousand dollar ($190,000.00) appropriation made by Chapter 916 of the Session Laws of 1965 to renovate the Edgerton Building of Dorothea Dix Hospital may be expended to renovate said building for purposes of accommodating the central research facilities of the North Carolina Department of Mental Health in lieu of making such renovation for patient occupancy purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 158 **CHAPTER 141**

AN ACT TO RATIFY CONVEYANCE OF CERTAIN LANDS BY MECKLENBURG COUNTY TO THE STATE OF NORTH CAROLINA FOR USE BY THE STATE HIGHWAY COMMISSION.

THAT WHEREAS, the County of Mecklenburg has heretofore conveyed certain lands lying in Crab Orchard Township, Mecklenburg County, North Carolina, to the State of North Carolina, for the use of Charlotte College, now known as the University of North Carolina at Charlotte, by deed dated December 14, 1964, recorded in Book 2640, page 555, Mecklenburg County Registry; and

WHEREAS, said deed provided for the reversion to the County of Mecklenburg of the lands conveyed, or any portion thereof, not used by Charlotte College for the purposes specified therein; and

WHEREAS, said conveyance by the County of Mecklenburg to the State of North Carolina was ratified and confirmed by Chapter 251 of the Session Laws of 1965; and

WHEREAS, a portion of said lands, containing 30.74 acres, more or less, is needed by the North Carolina Highway Commission for the construction of Interstate Highway No. 85; and

WHEREAS, the University of North Carolina at Charlotte has released its interest in said portion to the State Highway Commission and the State Highway Commission has paid to the University of North Carolina at Charlotte the fair market value thereof; and

WHEREAS, the construction of Interstate Highway No. 85 will greatly benefit the City of Charlotte and the County of Mecklenburg; and

WHEREAS, the Board of County Commissioners of Mecklenburg County, by resolution passed on July 18, 1966, authorized the release of that portion of the lands needed by the State Highway Commission from operation of the reversionary clauses set forth in that deed recorded in Book 2640, page 555, Mecklenburg County Registry; and

WHEREAS, Mecklenburg County, pursuant to said resolution, has caused to be executed and delivered to the State of North Carolina a deed of release dated September 16, 1966, recorded in Book 2810, page 531, Mecklenburg County Registry, conveying a said portion of the lands to the State of North Carolina, releasing said portion from operation of said reversionary clauses contained in that deed recorded in Book 2640, page 555, Mecklenburg County Registry: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The deed from the County of Mecklenburg to the State of North Carolina, dated September 6, 1966, recorded in Book 2810, page 531, Mecklenburg County Registry, conveying the lands therein described to the State of North Carolina is hereby in all respects ratified and confirmed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 264 CHAPTER 142

AN ACT TO AMEND THE STATUTE PROHIBITING CERTAIN NUISANCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 19-1 is hereby amended to read as follows:

"§ 19-1. What Are Nuisances Under This Chapter. Whoever shall erect, establish, continue, maintain, use, own, or lease any building, erection, or place used for the purpose of lewdness, assignation, prostitution, gambling, illegal sale of whiskey, or illegal sale of beer, or illegal sale of narcotic drugs as defined in the Uniform Narcotic Drug Act is guilty of nuisance, and the building, erection, or place, or the ground itself, in or upon which such lewdness, assignation, prostitution, gambling, or illegal sale of whiskey, beer, or narcotic drugs is conducted, permitted, or carried on, continued, or exists, and the furniture, fixtures, musical instruments and contents, are also declared a nuisance, and shall be enjoined and abated as hereinafter provided. Provided, that the illegal sale of beer shall not be declared to be a nuisance where the person or building sought to be enjoined is subject to the provisions of the Beverage Control Act of 1939."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 293 CHAPTER 143

AN ACT TO PROVIDE FOR THE APPOINTMENT OF THE AUDITOR OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 184, of the Session Laws of North Carolina of 1963, is hereby repealed.

Sec. 2. On the first Monday in December, 1968, and every two years thereafter, there shall be appointed by the County Commissioners of Pender County a County Auditor who shall hold his office for a term of two years or until his successor is appointed and qualified.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 300 CHAPTER 144

AN ACT TO AMEND G. S. 14-335, RELATING TO PUBLIC DRUNKENNESS, SO AS TO MAKE IT APPLICABLE TO SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby amended by inserting the word "Sampson" immediately after the word "Rutherford" in line 7 of the first numbered paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 301 CHAPTER 145

AN ACT AMENDING CHAPTER 765 OF THE 1963 SESSION LAWS RELATING TO THE NUMBER OF DEPUTY TAX COLLECTORS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 765 of the 1963 Session Laws is amended by striking the word "two" appearing in line two of Section 2 thereof and substituting in lieu thereof the word "three".

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 302 CHAPTER 146

AN ACT AMENDING CHAPTER 373 OF THE 1965 SESSION LAWS RELATING TO THE MAXIMUM NUMBER OF DEPUTY SHERIFFS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 373 of the 1965 Session Laws is amended by striking out the word "six" appearing in Section 1, line four thereof, and substituting in lieu thereof the word "eight".

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. B. 303 CHAPTER 147

AN ACT TO AMEND SECTION 45 OF CHAPTER 18 OF THE GENERAL STATUTES RELATING TO THE EXPENDITURE OF ALCOHOLIC BEVERAGE CONTROL FUNDS FOR LAW ENFORCEMENT BY THE WILSON COUNTY BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Subsection 15 of Section 18-45 of the General Statutes is hereby amended by striking out the word "ten" appearing after the word "than" and before the words "per cent" in line 2 of said subsection, and inserting in lieu thereof the word "fifteen".

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

S. B. 140 **CHAPTER 148**

AN ACT TO ALLOW THE CITY OF LEXINGTON TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING THE LEXINGTON TELEPHONE COMPANY TO CROSS A PART OF MARBLE ALLEY FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Lexington is hereby authorized and empowered by resolution, ordinance, or other proceedings deemed advisable and/or by the execution of such papers as may be necessary to release the interest of the City of Lexington and the public generally in and to that portion of Marble Alley between East 1st Avenue and East 2nd Avenue, and lying and being between the present central office building of the Lexington Telephone Company, located on the South side of Marble Alley and a proposed new general office building which will lie immediately North of Marble Alley between East 1st and East 2nd Avenues for the purpose of permitting the said Lexington Telephone Company to extend its use of said office building to the North side of Marble Alley by way of a tramway or catwalk over and across a small portion of Marble Alley to the proposed new general office building with a clearance for said tramway or catwalk of not less than 18 feet to any point over and above Marble Alley, said tramway or catwalk to be constructed and used and said portion of Marble Alley to be crossed for the benefit of Lexington Telephone Company and its business and generally for its private purposes, said ramp to be constructed according to the building code of the City of Lexington, State of North Carolina.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

S. B. 159 **CHAPTER 149**

AN ACT TO AMEND G. S. 160-181.2, RELATING TO EXTRATERRITORIAL JURISDICTION SO AS TO MAKE IT APPLICABLE TO THE TOWN OF DREXEL, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2 is hereby amended by changing the period at the end thereof to a comma and by adding the following language:

"or to the Town of Drexel in Burke County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

H. B. 210 **CHAPTER 150**

AN ACT TO AMEND SECTION 5(a) AND SECTION 8(a) OF CHAPTER 500 OF THE 1961 SESSION LAWS RELATING TO THE BURLINGTON-GRAHAM ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina do enact:

Section 1. Section 5(a) of Chapter 500, Session Laws of 1961, is hereby amended by deleting the last sentence thereof reading "(not less than 2% nor more than 10% of the sum paid to the City of Graham to be used for recreational purposes)", and by substituting in lieu thereof the following: "(The City Council of the City of Graham may by ordinance determine what percentage of the sum paid to the City of Graham shall be used for recreational purposes)."

Sec. 2. Section 8(a) of Chapter 500, Session Laws of 1961, is hereby amended by deleting the last sentence thereof reading: "(not less than 2% nor more than 10% of the sum paid to the City of Graham to be used for recreational purposes).", and by substituting in lieu thereof the following: "(The City Council of the City of Graham may by ordinance determine what percentage of the sum paid to the City of Graham shall be used for recreational purposes)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

H. B. 242 **CHAPTER 151**

AN ACT TO AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO CONTINUE THE WRIGHT SCHOOL AT DURHAM, NORTH CAROLINA, FOR THE TREATMENT AND EDUCATION OF EMOTIONALLY DISTURBED CHILDREN.

WHEREAS, the Wright School for emotionally disturbed children has been operated by the Department of Mental Health, primarily from Federal grants and private contributions; and

WHEREAS, it has been demonstrated that emotionally disturbed children at the Wright School have shown marked improvement after a stay of four to six months in said school; and

WHEREAS, the Wright School has made an important contribution to the education and training of numerous teachers, education and mental health personnel who work with emotionally disturbed children in public schools and mental health programs in North Carolina; and

WHEREAS, the Wright School is a complimentary facility which would help solve the manpower problems in the mental health field, creating a pattern for more effective use of trained psychiatrists, social workers, educators and psychologists; and

WHEREAS, the Wright School is a unique program providing a learning experience for disturbed children and has developed new and improved

procedures, materials and curricula for the treatment and education of emotionally disturbed children in North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Department of Mental Health shall continue to operate the Wright School, Durham, North Carolina, for emotionally disturbed children.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

H. B. 267 CHAPTER 152

AN ACT TO AMEND CHAPTER 148 OF THE SESSION LAWS OF 1963 RELATING TO THE CHARTER OF THE TOWN OF NAGS HEAD, AND TO AMEND SAID CHARTER CONCERNING THE ELECTION OF THE MEMBERS OF THE GOVERNING BODY OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 148 of the 1963 Session Laws is hereby amended by striking out the period at the end of the Section following the word "election," inserting a comma, and adding the following words: "and at the time of filing such notice shall pay to the Town Clerk and Treasurer a filing fee of ten dollars ($10.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

S. B. 40 CHAPTER 153

AN ACT TO PROVIDE FOR A NONPARTISAN ELECTION OF THE CABARRUS COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Cabarrus County shall consist of five members who shall be elected by the qualified voters of the entire County. The election shall be nonpartisan and shall be held at the same time as the regular primary election is held for County officers. The election shall be held and conducted, insofar as is practicable, by the County Board of Elections in accordance with the general election laws of the State, except as otherwise provided herein.

Sec. 2. All candidates shall file for office within the time required by law for County officers to file in primaries. No filing fee shall be required. The names of all persons filing for membership on the Cabarrus County Board of Education shall be placed on a ballot without party designation.

Sec. 3. In the election held in 1968, the two persons receiving the

highest number of votes shall be elected for a term of six years. In the election held in 1970, the two persons receiving the highest number of votes shall be elected for a term of six years. In the election held in 1972, the person receiving the highest number of votes shall be elected for six years. Biennially thereafter, the number of candidates equal to the number of members to be elected, who receive the highest number of votes, shall be declared elected for a term of six years. The persons elected to the Board of Education shall take office on July 1st in the year elected, and shall serve until their successors shall be elected and qualified.

Sec. 4. The terms of the two members of the present school board which expire on the first Monday in April, 1969, shall expire June 30, 1968; the terms of the two members of the present school board which expire the first Monday in April, 1971, shall expire June 30, 1970; and the term of the member of the present school board which expires the first Monday in April, 1973, shall expire June 30, 1972.

Sec. 5. Any vacancy occurring on the County Board of Education by death, resignation or otherwise, shall be filled by the remaining members of the Board of Education, and the person chosen shall serve for the unexpired term and until his successor is elected and qualified.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

S. B. 98 CHAPTER 154

AN ACT AMENDING G. S. 106-498 RELATING TO THE FINANCIAL RESPONSIBILITY OF HANDLERS OF FARM PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-498, as the same appears in Replacement 1966 Volume 3A of the General Statutes, is amended by rewriting the first two sentences thereof to read as follows:

"Establishment of Financial Responsibility Before Permit Issued; Bond. No such permit shall be issued to any handler who is not operating on a strictly cash basis and who is incurring or may incur financial liability to any grower, until such person, firm, or corporation shall furnish to the Commissioner of Agriculture sufficient and satisfactory evidence of their ability to carry out their contract or furnish a satisfactory bond in an amount not less than ten thousand dollars ($10,000.00). The Commissioner of Agriculture may require a new bond or additional bonds when he finds it necessary for the protection of the producer."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

S. B. 125 **CHAPTER 155**

AN ACT TO AMEND CHAPTER 876 OF THE SESSION LAWS OF 1965 RELATING TO THE INCORPORATION OF THE TOWN OF KING.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 876 of the Session Laws of 1965 is hereby amended by striking out of the first and second lines of subsection (a) thereof the words and figures "shall conduct a special election not later than April 1, 1967" and by inserting in lieu thereof the following words "may at any time call and conduct a special election".

Sec. 2. Section 4.1 of Article IV of the proposed Charter of the Town of King, as enacted by Section 5 of Chapter 876 of the Session Laws of 1965, is hereby amended by striking out of the third line thereof the punctuation and words ", beginning in 1967".

Sec. 3. Chapter 876 of the Session Laws of 1965, as amended by Sections 1 and 2 of this Act, is hereby reenacted.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

S. B. 144 **CHAPTER 156**

AN ACT TO AMEND ARTICLE 36, CHAPTER 160, OF THE GENERAL STATUTES, RELATING TO EXTENSION OF CORPORATE LIMITS, SO AS TO MAKE PART 2 AND PART 3 APPLICABLE TO RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-453.12 is hereby amended by deleting the word "Randolph" in line 3 thereof.

Sec. 2. G. S. 160-453.24 is hereby amended by deleting the word "Randolph" in line 3 thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

H. B. 266 **CHAPTER 157**

AN ACT TO ABOLISH THE OFFICE OF JAILOR, IN CLEVELAND COUNTY, AS CREATED UNDER CHAPTER 207, PUBLIC-LOCAL AND PRIVATE LAWS OF 1939.

The General Assembly of North Carolina do enact:

Section 1. Chapter 207, Public-Local and Private Laws of 1939, is hereby repealed, and the general laws of the State of North Carolina, relating to jailors and jails, shall be applicable to Cleveland County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

H. B. 270 CHAPTER 158

AN ACT TO AMEND G. S. 153-5, TO PROVIDE FOR THE ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5 is hereby amended by adding at the end thereof the following:

"The Board of County Commissioners in Bladen County shall consist of five members, to be nominated and elected by the voters of the entire county, and the present members of the Board of County Commissioners shall continue to hold office until their successors are elected and qualified as herein provided."

Sec. 2. At the primary and general election to be held for county officers in Bladen County in 1968, there shall be nominated and elected five members of the Board of County Commissioners. In the general election of 1968, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the three candidates receiving the next highest number of votes shall be elected for a term of two years. In 1970 and biennially thereafter, there shall be nominated and elected members of the Board of County Commissioners to take the place of the members whose terms next expire, and the persons so elected shall serve for terms of four years.

The members elected in 1968 and thereafter shall take office on the first Monday of December in the year said members are elected.

In the event two or more candidates receive the same number of votes in the 1968 election, the County Board of Elections shall determine which candidates are elected for a term of four years and which candidates are elected for two-year terms.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

H. B. 309 CHAPTER 159

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF ROCKINGHAM UPON ADOPTION OF THE COUNCIL-MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Rockingham may at any time call a special election for the purpose of submitting to the qualified

voters of the City the question whether to adopt the Council-Manager Form of Government by amending the Charter of the City of Rockingham, Chapter 1206 of the Session Laws of 1963, as provided in Section 4 of this Act.

Sec. 2. The laws, rules, and regulations governing the conduct of regular City elections, as specified in Article V of the City Charter, shall govern the special election herein authorized.

At such special election, ballots shall be provided containing the words "For Council-Manager Form of Government", and "Against Council-Manager Form of Government", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election shall be "For Council-Manager Form of Government", then Section 4 of this Act shall become effective on a date to be fixed by the City Council, but in no event later than the ninetieth day following the date of such special election. If a majority of the votes cast at such special election shall be "Against Council-Manager Form of Government", then Section 4 of this Act shall have no force and effect.

Sec. 4. Subject to the provisions of Section 3 of this Act, the Charter of the City of Rockingham, as enacted by Chapter 1206 of the Session Laws of 1963, is hereby amended as follows:

(1) by rewriting Section 6.1 thereof to read as follows:

"Sec. 6.1. Appointment of City Manager; Salaries. (a) The City Council shall appoint a City Manager who shall be the administrative head of the City government responsible for the administration of all departments. The City Manager shall be appointed with regard to merit only, and he need not be a resident of the City at the time of his appointment, but shall reside therein during his tenure. He shall hold office during the pleasure of the City Council and shall receive such compensation as it shall fix by ordinance.

"The City Manager shall (1) be the administrative head of the City government; (2) see that within the City the laws of the State and the ordinances, resolutions and regulations of the City Council are faithfully executed; (3) attend all meetings of the City Council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the City Council from time to time upon the affairs of the City, and keep the Council fully advised of the City's financial condition and its future financial needs; (5) appoint and remove all employees of the City except the City Attorney and the City Clerk, who shall be appointed by the City Council, and report all appointments and removals made by him to the Council at its next meeting; and (6) perform all other duties as may be required by the City Council.

"(b) Salaries and compensation of all officials and employees shall be fixed by the City Council."

(2) by striking out of line 2 of Section 6.4, of line 3 of Section 6.4, and of line 1 of Section 6.5 thereof the word "Council" and inserting in lieu thereof in each instance the word "Manager".

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Subject to the provisions of Section 3 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

H. B. 312 CHAPTER 160

AN ACT TO VALIDATE A SALE OF CERTAIN STOCK BY THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

Section 1. That the sale of stock in the Halifax County Hosiery Mill, which sale was consummated on January 2, 1965, is hereby validated and shall be deemed to be in compliance with the provisions of G. S. 160-59.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

H. B. 396 CHAPTER 161

AN ACT TO AMEND CHAPTER 1291, SESSION LAWS OF NORTH CAROLINA, 1957, BEING THE CHARTER OF THE TOWN OF EMERALD ISLE RELATING TO THE NUMBER OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1291 of the Session Laws of North Carolina, 1957, is hereby amended by striking out all of Section 3 as the same appears therein and substituting in lieu thereof the following:

"Sec. 3. The governing body of the Town of Emerald Isle shall consist of a Mayor and five commissioners who shall be elected as hereinafter provided beginning with the regular municipal election to be held in July 1967 and biennially thereafter."

Sec. 2. That Chapter 1291 of the Session Laws of North Carolina is hereby further amended by striking out in Section 6 the word "three" immediately following the word "of" and preceding the word "members" in the first sentence thereof and substituting in lieu thereof the word "five".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of April, 1967.

S. B. 79

CHAPTER 162

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES RELATIVE TO THE TRANSPORTATION AND HANDLING OF MALT BEVERAGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-67 is hereby amended by adding immediately preceding the last paragraph of said Section the following:

"When a licensed resident manufacturer of the beverages defined in G. S. 18-64(1) procures proper license under this Section, it may receive the beverages defined in G. S. 18-64(1) which are manufactured by it at some point outside this State, but within the United States, for transhipment to dealers in other states, provided that such resident manufacturer is actually engaged in the manufacturing in this State of the beverages defined in G. S. 18-64(1). Such shipments of the beverages defined in G. S. 18-64(1) for transhipment to other states shall be kept segregated by the resident manufacturer in its warehouse from any such North Carolina tax paid beverages and shall comply with any and all rules and regulations promulgated by the Commissioner of Revenue and the North Carolina Board of Alcoholic Control."

Sec. 2. G. S. 18-79 is hereby amended by adding a new paragraph at the end of said Section to read as follows:

"A resident manufacturer of the beverages defined in G. S. 18-64(1) may sell 'short filled' packages to its employees for the sole use of said employees, members of their families and bona fide guests in this State provided that such manufacturer sells only such 'short filled' packages on which the appropriate North Carolina taxes have been paid or will be paid, based upon the size of the bottle or container short filled. Any sale made to any employee of said manufacturer under this Section shall not be construed as a retail or wholesale sale under any other provisions of Chapter 18 of the General Statutes of North Carolina and such manufacturer shall not be required by reason of such sales to obtain a permit or license as provided by this Chapter."

Sec. 3. G. S. 18-81 is hereby amended by adding at the end of subsection (d) the following:

"Provided, the beverages defined in G. S. 18-64(1) may be shipped by a resident manufacturer to itself in this State or from this State without the tax paid crown or lid being affixed thereto, when such beverages are for taste purposes only and as a part of its laboratory function of its manufacturing operation. The shipment of such beverages for taste purposes only shall first be approved by the North Carolina Board of Alcoholic Control and properly identified as required by said board prior to shipment into this State."

Sec. 4. Nothing herein shall be construed to amend, modify or repeal the provisions of G. S. 81-14.3 or G. S. 81-18; otherwise, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 129 **CHAPTER 163**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF LUMBERTON, IN ITS DISCRETION, TO APPROPRIATE FUNDS AND TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF A LIBRARY IN LUMBERTON.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Lumberton is hereby authorized and empowered, in its discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general city taxes are levied and collected, a special tax of not more than five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said City, the same when collected to be applied to the establishment, support, upkeep and maintenance of a public library for the City of Lumberton, which library is operated for the benefit of the public in the City of Lumberton, or for the establishment, support, upkeep and maintenance of a joint library established for Lumberton and Robeson County. The governing body of the City of Lumberton, in its discretion, may appropriate monies from the general fund of the City of Lumberton for the establishment, support, upkeep and maintenance of such public library for the City of Lumberton or such joint library established for Robeson County and the City of Lumberton. The appropriations and taxes for the purposes hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose, within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of the City of Lumberton.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 176 **CHAPTER 164**

AN ACT TO CREATE THE NORTH CAROLINA ARTS COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Appointment of Members. There is hereby created in the Department of Administration the North Carolina Arts Council. The term "arts" includes, but is not limited to: music, dance, drama, creative writing, architecture and allied fields, painting, sculpture, photography, crafts, television, radio, and the execution and exhibition of such major art forms. The Council shall consist of 24 members, to be appointed by the Governor from among the citizens of North Carolina.

The Governor shall appoint the Chairman, upon nomination by the Council. The Council may elect other officers as deemed necessary.

Sec. 2. Terms of Office; Compensation; Vacancies. The term of office of each member shall be three years, provided, however, that of the

members first appointed, eight shall be appointed for terms of one year, eight for terms of two years, and eight for terms of three years. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Membership on the Council shall be limited to two successive terms: Provided, a member may be reappointed after one year has elapsed since the end of the second term.

Members shall be entitled to reimbursement for authorized expenses incurred in the work of the Council, as provided for members of boards and committees under the general laws of the State.

The Council shall meet annually, or more often on the call of the Chairman.

The Council is placed within the Department of Administration for administrative purposes.

Sec. 3. Executive Director. The Council shall appoint, in accordance with the State Personnel Act, an Executive Director who shall serve at the will of the Council. The Executive Director of the Council shall select and appoint, in accordance with the State Personnel Act, such other personnel as the Council shall determine to be necessary. The Executive Director shall employ on a contractual basis such other consultants and/or staff persons as the Council deems necessary, within funds allocated for such purposes.

Sec. 4. Duties of Council. The Council, through its Executive Director, staff and members shall take action to carry out the following purposes as funds and staff permit:

(1) Study, collect, maintain, and otherwise disseminate factual data and pertinent information relative to the arts;

(2) Assist local organizations and the community at large with needs, resources and opportunities in the arts;

(3) Serve as an agency through which various public and non-public organizations concerned with the arts can exchange information, coordinate programs and stimulate joint endeavors;

(4) Identify research needs, encourage research and assist in obtaining funds for research;

(5) Assist in bringing the highest obtainable quality in the arts to the State; promote the maximum opportunity for the people to experience, enjoy, and profit from those arts.

The Council shall, in addition to such other recommendations, studies and plans as it may submit from time to time, submit a biennial report of progress to the Governor, and thus, to the General Assembly.

Sec. 5. Appropriations; Funds. In addition to the appropriations out of the General Fund of the State, the Council may accept gifts, bequests, devises, matching funds, or other considerations for use in promoting the work of the Council.

Sec. 6. Any person appointed to the Council who holds any office, place of trust or profit under the United States or North Carolina government, shall serve on the Council ex officio and shall perform their duties on the Council in addition to their regular duties imposed by law.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 52

CHAPTER 165

AN ACT TO AMEND G. S. 15-53 TO INCREASE THE AMOUNT OF THE REWARD WHICH MAY BE OFFERED THEREUNDER, AND TO ADD A NEW SECTION PROVIDING FOR A REWARD FOR INFORMATION LEADING TO ARREST AND CONVICTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-53 is hereby amended to increase the amount of reward which the Governor may offer thereunder by striking out of the said Section the words "four hundred" and inserting in lieu thereof the words "ten thousand".

Sec. 2. A new Section is hereby added to Chapter 15 of the General Statutes to read as follows:

"§ 15-53.1. Governor May Offer Rewards For Information Leading to Arrest and Conviction. When it shall appear to the Governor, upon satisfactory information furnished to him, that a felony or other infamous crime has been committed within the State, whether the name or names of the person or persons suspected of committing the said crime be known or unknown, the Governor may issue his proclamation and therein offer an award not exceeding ten thousand dollars ($10,000), according to the nature of the case as, in his opinion, may be sufficient for the purpose, to be paid to him who shall provide information leading to the arrest and conviction of such person or persons. The proclamation shall be upon such terms as the Governor may deem proper, but it shall identify the felony or felonies and the authority to whom the information is to be delivered and shall state such other terms as the Governor may require under which the reward is payable."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 139

CHAPTER 166

AN ACT TO PROVIDE COMPENSATION FOR REGISTRARS AND JUDGES OF ELECTIONS IN THE CITY OF SHELBY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Judges of elections and assistants shall each receive for their services on the day of any election in the City of Shelby the sum of fifteen dollars ($15.00). The registrars shall each receive the sum of fifteen dollars ($15.00) per day for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters,

and on the election day the registrars shall each receive the sum of twenty dollars ($20.00). Any person sworn in to act as registrar or judge of elections shall receive the same compensation as the registrar and judge.

Sec. 2. Chapter 656, Session Laws of 1951, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be retroactive to March 6, 1967, and shall be in full force and effect after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 235

CHAPTER 167

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CASWELL COUNTY TO FIX FEES CHARGED BY THE COUNTY OFFICERS AND TO AUTHORIZE THE COUNTY BOARD OF COMMISSIONERS OF SAID COUNTY TO FIX THE NUMBER OF SALARIED COUNTY EMPLOYEES AND THE COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of subsection 12(a) of G. S. 153-9, as it appears in the 1965 Supplement of Volume 3C of the General Statutes, is amended by inserting after the word "Carteret," the word and punctuation "Caswell,".

Sec. 2. G. S. 153-48.5, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is amended by inserting in the first paragraph thereof, in line 3, following the word "Carteret," and preceding the word "Catawba", the word and punctuation "Caswell,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 246

CHAPTER 168

AN ACT TO PROVIDE FOR THE SALARIES OF CERTAIN EMPLOYEES OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 498 of the Session Laws of 1961 is hereby amended as follows:

(1) Section 1 of the said Chapter is amended by striking the period following the word "sheriff" in line 16 and adding the following:

", but the Commissioners of Richmond County shall have the authority to increase the rate of pay beyond the stated maximum of three hundred fifty dollars ($350.00) per month in their discretion."

(2) Section 3 of the said Chapter is amended by striking the period in line 10 and adding the following:

", but the Commissioners of Richmond County shall have the authority to increase the rate of pay beyond the stated maximum of three hundred fifty dollars ($350.00) per month in their discretion."

(3) Section 8 of the said Chapter is amended by striking the period in line 8 and adding the following:

", but the Commissioners of Richmond County shall have the authority to increase the rate of pay beyond the stated maximum of two hundred fifty dollars ($250.00) per month in their discretion."

(4) Section 9 of the said Chapter is amended by striking the period in line 6 of the Section following the word "county" and by adding the following:

", but the Commissioners of Richmond County shall have the authority to increase the rate of pay beyond the stated maximum of three hundred fifty dollars ($350.00) per month in their discretion. The provisions of Section 9 of Chapter 498, Session Laws of 1961, as herein amended, are effective only until Article 12 of Chapter 7A of the General Statutes becomes applicable to Richmond County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 259 CHAPTER 169

AN ACT FIXING THE COMPENSATION OF CERTAIN OFFICIALS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The officials of Graham County listed below shall receive an annual salary as provided herein, said salary to be paid in equal monthly installments out of the General Fund of the County:

County Accountant	$4,347.00
Clerk to County Accountant	3,807.28
County Attorney	1,380.00
Register of Deeds	3,139.36
Clerk to Farm Agent	1,352.40
High Deputy Sheriff	3,795.00
Jailor	1,725.00
Tax Supervisor	2,707.84
Janitor	2,707.84
Service Officer	1,207.50
Chairman, County Commissioners	1,380.00
Member, Board of County Commissioners	690.00
Sheriff	4,800.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 284 **CHAPTER 170**

AN ACT TO AMEND CHAPTER 897 OF THE SESSION LAWS OF 1959 RELATING TO THE SALARY OF THE OFFICIALS IN THE TOWN OF BROADWAY IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 548 of the Session Laws of 1947 is hereby amended by striking out § 3½ which was inserted therein by Chapter 897 of the Session Laws of 1959.

Sec. 2. Chapter 548 of the Session Laws of 1947 is hereby further amended by inserting therein a new § 3½ to read as follows: "The Mayor of the Town of Broadway, in Lee County, shall receive as compensation for performing the duties of his office, the sum of twenty-five dollars ($25.00) per month. The members of the Board of Commissioners from the said Town shall receive as compensation for their services, the sum of ten dollars ($10.00) per month."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 341 **CHAPTER 171**

AN ACT TO AMEND G. S. 67-33, SO AS TO PROVIDE FOR AN ANNUAL DOG KENNEL TAX IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-33, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by adding a proviso at the end of the first paragraph, to read as follows: "Provided, that in Sampson County, any owner of a dog kennel shall pay an annual tax of twenty dollars ($20.00) in lieu of the tax on individual dogs as provided by law."

Sec. 2. This Act shall apply to Sampson County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 46 **CHAPTER 172**

AN ACT TO AMEND CHAPTER 113 OF THE PRIVATE LAWS OF 1903 RELATING TO ORDINANCES OF THE TOWN OF BREVARD.

The General Assembly of North Carolina do enact:

Section 1. Section 29 of Chapter 113 of the Private Laws of 1903 is hereby amended by changing the comma in the fourth line thereof to a period, and by striking out all of said Section appearing after said period.

Sec. 2. All existing ordinances of the Town of Brevard are hereby in all respects legalized, ratified, approved, validated, and confirmed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 71 CHAPTER 173

AN ACT TO AMEND CHAPTER 110 OF THE GENERAL STATUTES RELATING TO THE HOURS OF LABOR OF CERTAIN MINOR GIRLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 110-2 as the same appears in 1966 Replacement Volume 3A of the General Statutes is hereby amended by striking out of the 16th, 17th, and 18th lines thereof the words, "that no girl between 16 and 18 years of age shall be so employed, permitted, or allowed to work before six o'clock in the morning or after nine o'clock in the evening of any day; and provided further,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 112 CHAPTER 174

AN ACT TO AMEND CHAPTER 504 OF THE SESSION LAWS OF 1965 SO AS TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO DESIGNATE AND PROTECT HISTORIC BUILDINGS AND DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 504 of the Session Laws of 1965 is hereby amended to read as follows:

"Sec. 3. This Act shall apply only to the City of Winston-Salem in Forsyth County and the Town of Edenton in Chowan County and the areas surrounding said municipalities which lie within their zoning jurisdiction. This Act shall also apply to the Town of Bath in Beaufort County and the Town of Halifax in Halifax County. This Act shall also apply to the Town of Hillsborough in Orange County and to the areas surrounding said municipality which lie or may subsequently be included within its zoning jurisdiction."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 133 **CHAPTER 175**

AN ACT TO AUTHORIZE THE CITY OF ALBEMARLE TO EXCHANGE CERTAIN REAL ESTATE.

WHEREAS, the City of Albemarle acquired and holds for development as a public playground by its recreation department the tract of land lying in the City of Albemarle and more specifically described as follows: BEGINNING at an iron pin on the East side of Carolina Avenue in the North line of the Duke Power Company switching station site, and runs thence with said company's North line North 89 degrees 00 minutes West 31 feet to the center line of Carolina Avenue; thence with the center line of said avenue as follows: North 17 degrees 43 minutes West 50 feet; North 24 degrees 25 minutes West 49 feet; North 27 degrees 28 minutes West 50 feet; North 31 degrees 41 minutes West 200 feet; North 25 degrees 12 minutes West 50 feet; North 19 degrees 44 minutes West 80.8 feet to a point in the center line of said avenue; thence South 85 degrees 18 minutes East, by and passing a concrete marker 41.7 feet from the center line of Carolina Avenue, 491.7 feet to an iron pin and concrete marker; thence South 42 degrees 55 minutes East 276 feet to a concrete marker; thence South 83 degrees 09 minutes East 189 feet to a concrete marker; thence South 83 degrees 09 minutes East 58 feet to the center line of Little Long Creek; thence with the center line of Little Long Creek southwardly 169 feet, more or less, to the North line of Duke Power Company's aforesaid lot; thence with the North line of Duke Power Company's lot North 89 degrees 00 minutes West 685.3 feet to an iron pin, the point of beginning, containing 5.88 acres, more or less; which tract of land is hereinafter referred to as Tract One; and

WHEREAS, Duke Power Company owns a switching station site adjoining Tract One and needs to acquire a substantial part of Tract One in order to enlarge its switching station facilities and has requested the City of Albemarle to convey to it said tract; and

WHEREAS, the City of Albemarle has agreed to convey said Tract One to Duke Power Company, provided that in return therefor a tract of land lying and being in the City of Albemarle, owned by American & Efird Mills, Inc., is conveyed to the City of Albemarle, which tract is more specifically described as follows: BEGINNING at a concrete marker located South 89 degrees 00 minutes East 40 feet from the center line of Carolina Avenue, and also being South 10 degrees 13 minutes East 102 feet from a concrete marker in the South property line of the Wiscassett Mills Company drive leading eastwardly from Carolina Avenue to its plant site immediately East of Little Long Creek (said drive lying between Duke Power Company's switching station site on the North and the property of American & Efird Mills, Inc. on the South), and runs thence from said beginning corner, South 89 degrees 00 minutes East 553.7 feet to a concrete marker; thence from said concrete marker South 89 degrees 00 minutes East 32 feet to the center line of Little Long Creek; thence with the center line of Little Long Creek southwardly 585 feet, more or less, to the center of a bridge, a part of a private road leading from Carolina Avenue to American & Efird Mills, Inc. plant; thence with the

center line of said private road South 83 degrees 59 minutes West 548.8 feet to the center of the intersection of said private road with Carolina Avenue; thence with the center line of Carolina Avenue North 10 degrees 13 minutes West 658.1 feet to a point in the center line of Carolina Avenue; thence South 89 degrees 00 minutes East 40 feet to a concrete marker, the point of beginning, containing 8.29 acres, more or less; and is hereinafter referred to as Tract Two; and

WHEREAS, American & Efird Mills, Inc. has agreed to convey Tract Two to the City of Albemarle, and Duke Power Company has agreed to pay American & Efird Mills, Inc. the purchase price for said conveyance; and

WHEREAS, the said Tract Two is a larger tract than Tract One; is more adaptable for use as a public playground; has a market value in excess of the market value of Tract One; and is located in the same vicinity as Tract One: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The mayor and governing authorities of the City of Albemarle hereby are authorized and empowered to execute and deliver to Duke Power Company a deed conveying Tract One to Duke Power Company and to accept from American & Efird Mills, Inc. a good and sufficient deed to Tract Two, both as hereinabove described.

Sec. 2. All laws and clauses of laws in conflict with this Act hereby are repealed.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 158

CHAPTER 176

AN ACT TO AMEND SECTION 160-59 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO EXCLUDE THE TOWN OF BISCOE AS TO THE SALE OF ONE PARTICULARLY DESCRIBED PARCEL OF REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. That the provisions of Section 160-59 of the General Statutes of North Carolina, Volume 3D, 1964 Replacement, shall not apply to the Town of Biscoe in the sale of a certain parcel of real property now owned by said town and located in the corporate limits of the Town of Biscoe and more particularly described as follows:

"Begin at a new point in the division line between R. G. Wright's 'Dowd Lot' and the Biscoe Library lot. Thence with said division line North 87 degrees 1 minute 56 seconds East 124.0 feet to an iron pin on the West side of Oak Street, being 19.4 feet westward from the center of said street and being the southeast corner of said 'Dowd Lot' and the northeast corner of the library lot. Thence with the East line of said library lot South 14 degrees 1 minute 56 seconds West 25.0 feet to a new iron stake in said line that is 18.4 feet northward from the North end of a culvert. Thence a new line North 81 degrees 29 minutes 00 seconds West 119.0 feet to the point of beginning. Containing 1482 square feet as determined by the Double Meridian Distance method."

Sec. 2. That the governing body of the Town of Biscoe shall have and is hereby granted the power to sell and convey said real property at a private sale for such consideration and upon such terms as in the judgment of the governing body shall be in the best interest of the citizens of the Town of Biscoe.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 288 CHAPTER 177

AN ACT RELATING TO LICENSING OF GARBAGE COLLECTORS IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-272 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"The licenses and exclusive rights which a county is authorized to grant pursuant to this Section may be granted for any length of time not exceeding ten years upon such conditions and terms as the Board of County Commissioners may deem advisable."

Sec. 2. This Act shall apply only to Surry County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 325 CHAPTER 178

AN ACT TO AUTHORIZE THE PERSON COUNTY BOARD OF EDUCATION TO EXECUTE TO THE CITY OF ROXBORO A QUITCLAIM DEED FOR CERTAIN PROPERTY KNOWN AS THE "CENTRAL SCHOOL LOT" AND TO AUTHORIZE THE CITY OF ROXBORO TO LEASE SAID PROPERTY FOR FIFTY-FIVE YEARS TO THE FEDERAL GOVERNMENT TO ERECT A POST OFFICE BUILDING THEREON.

WHEREAS, the City of Roxboro is the beneficial owner of a certain lot of land known as "Central School Lot", and it is necessary for the Person County Board of Education to execute a quitclaim deed to the City of Roxboro in order to perfect the title to said lot; and

WHEREAS, this situation was brought about by reason of the fact that prior to this time the public school system of all units in Person County were merged into the Person County Board of Education; and

WHEREAS, in order to bring about the plans and projects agreed upon and for adequate, good and sufficient considerations, in order to perfect said plans and projects, it is necessary that the City of Roxboro should pay to the County of Person the sum of twenty-five thousand dollars ($25,000.00) and that the City of Roxboro should be authorized to

lease said lot of land for a period of fifty-five years to the Federal Government for the purpose of erecting thereon the post office building: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That in order to perfect the title to a certain lot of land known as the "Central School Lot" the Person County Board of Education is hereby authorized to execute to the City of Roxboro a quitclaim deed for and to said lot of land. That for purposes of description reference is hereby made to a certain map or plat representing a survey made by J. F. Neel, which said map or plat is dated February 21, 1967, and recorded in the Person County Registry in Plat Book 12, at page 6, and said map or plat is hereby referred to for a more adequate and perfect description of said lot.

Sec. 2. That the City of Roxboro in Person County is hereby authorized to pay to Person County and its governing authority the sum of twenty-five thousand dollars ($25,000.00) and the City of Roxboro is further authorized to execute and deliver to the Federal Government, or the proper agency thereof, an adequate and sufficient lease for a term of fifty-five years for the purpose of constructing thereon a post office building or other governmental structure, the terms and conditions of said lease to be agreed upon by the governing authority of the City of Roxboro and by the proper officers or agents of the Federal Government or the appropriate agency thereof.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 327

CHAPTER 179

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 and 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN BEAUFORT COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for the County of Beaufort is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Beaufort County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the abstract form shall

constitute and shall be equivalent to the oath or affirmation prescribed in General Statute 105-308 and General Statute 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners for the County of Beaufort to divide, or combine townships in Beaufort County for tax listing purposes. The Tax Supervisor of Beaufort County, with the approval of the Board of County Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 4. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Beaufort County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Beaufort County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Beaufort County. If the Board of County Commissioners of Beaufort County has adopted regulations relating to any matter covered by this Act, the listing in Beaufort County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to Beaufort County.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 330 CHAPTER 180

AN ACT TO AMEND SECTION 153-8 OF THE GENERAL STATUTES RELATING TO THE MEETING OF THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 153-8, as the same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina, is hereby amended by adding at the end thereof the following:

"Provided that as applied to Mecklenburg County the term 'courthouse' as used in this Section shall include the complex of buildings which consists of the Mecklenburg County Courthouse Building, the Mecklenburg County Office Building, and any extensions, additions or enlargements made to, on or about said buildings, together with any such additions, extensions or enlargements or additional building or buildings which may be constructed or erected from time to time in the immediate or near vicinity of said Mecklenburg County Courthouse Building and Mecklenburg County Office Building."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after the ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 331 CHAPTER 181

AN ACT TO AMEND CHAPTER 926 OF THE 1947 SESSION LAWS, AS AMENDED, ESTABLISHING THE CHARLOTTE FIREMEN'S RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 5(c)(3) of Chapter 926 of the Session Laws of 1947 is hereby amended by deleting the proviso following the words "twenty-five years" and by changing the semicolon to a period, and by deleting subdivisions (a) and (b) thereof.

Sec. 2. Section 6(a)(1) of said Chapter is hereby amended by deleting the fifth and sixth sentences thereof.

Sec. 3. Section 6(b)(1) of said Chapter is hereby amended by deleting the last sentence thereof.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification and shall apply to all retirements effective on and after January 1, 1966.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 359 CHAPTER 182

AN ACT TO AMEND G. S. 97-16 REGARDING WORKMEN'S COMPENSATION BENEFITS FOR CERTAIN OFFICERS OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-16 is hereby amended by striking the word "Union" as the same appears in line 8 of the Statute so that Union County shall not be excepted from the general provisions of G. S. 97-16.

Sec. 2. All laws and clauses of laws in conflict with this Act hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 365 CHAPTER 183

AN ACT TO AMEND G. S. 153-10.1 AS THE SAME APPEARS IN THE 1965 SUPPLEMENT TO VOLUME 3C OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO ADD LINCOLN COUNTY TO THE COUNTIES WHEREIN THE BOARDS OF COUNTY COMMISSIONERS ARE AUTHORIZED TO PROMULGATE RULES AND REGULATIONS GOVERNING THE REMOVAL AND DISPOSAL OF GARBAGE AND TRASH.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is hereby amended by adding after

the word "Jackson," and before the word "McDowell" in line 13 thereof the following: "Lincoln".

Sec. 2. Nothing in this Act shall be deemed in any way to affect Lincoln County's participation in General Statute 153-272, or to be in conflict with the said Act as it may apply to Lincoln County.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 398 CHAPTER 184

AN ACT TO AMEND CHAPTER 36 OF THE PRIVATE LAWS OF 1908, EXTRA SESSION, AND CHAPTER 770 OF THE SESSION LAWS OF 1963, TO PROVIDE FOUR-YEAR TERMS FOR OFFICIALS OF THE TOWN OF BAILEY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 36 of the Private Laws of 1908, Extra Session, as amended by Section 2 of Chapter 770 of the Session Laws of 1963, is hereby further amended by rewriting the same to read as follows:

"Sec. 4. (a) The government of the town shall be vested in a mayor and a board of five commissioners, elected for terms of four years, as hereinafter provided.

(b) On Tuesday after the first Monday in May, 1967, and quadrennially thereafter, there shall be elected a mayor and three commissioners to serve for terms of four years, or until their successors are elected and qualified.

(c) On Tuesday after the first Monday in May, 1969, and quadrennially thereafter, there shall be elected two commissioners to serve for terms of four years, or until their successors are elected and qualified.

(d) Any vacancy in the office of mayor or commissioners shall be filled by the board of commissioners, or by the remaining members thereof, for the unexpired term."

Sec. 2. The term of office of the member or members of the Board of Commissioners of the Town of Bailey who were elected in 1966 is hereby extended until filled at the regular 1969 election. The board of commissioners is hereby authorized, but not required, to fill by appointment any existing vacancy among the members thereof who were elected in 1966, such appointee to serve until such office is filled at the regular 1969 election.

Sec. 3. The notice heretofore given of the 1967 regular election in the Town of Bailey is hereby ratified, validated, and confirmed, and no further notice of such election shall be necessary.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. B. 411 **CHAPTER 185**

AN ACT TO AMEND CHAPTER 88, PRIVATE LAWS OF 1887, BEING THE CHARTER OF THE TOWN OF SILER CITY, RELATING TO SALARIES OF THE MAYOR AND BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 88, Private Laws of 1887, is hereby amended by adding at the end thereof the following: "The mayor shall receive such salary as the Town Board of Commissioners shall by ordinance determine. The mayor's salary shall not be increased or decreased during the term for which he is elected. The Board of Commissioners, by ordinance, may establish a salary for its members, and such salary may be reduced or increased, but no increase shall be effective during the term in which the increase is voted."

Sec. 2. All salaries and remunerations heretofore authorized and paid by the governing body of the Town of Siler City to members of such body are hereby ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

S. B. 75 **CHAPTER 186**

AN ACT TO CREATE THE NORTH CAROLINA CANCER STUDY COMMISSION.

WHEREAS, the Commission to Study the Cause and Control of Cancer in North Carolina was created by Joint Resolution 34 of the 1957 Session and its existence continued by Joint Resolution 78 of the 1959 Session, Joint Resolution 70 of the 1961 Session, Joint Resolution 49 of the 1963 Session, and Joint Resolution 29 of the 1965 Session of the General Assembly; and

WHEREAS, this Commission has gathered valuable information and statistical records, which information has been and will be of great value to this and future Legislatures as demonstrated in its report to the Governor; and

WHEREAS, it is desirable to make this Commission a permanent Study Commission: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the North Carolina Cancer Study Commission, which shall be composed of 20 members appointed by the Governor. Ten members shall be persons chosen from the medical profession and 10 members shall be persons not associated with the medical profession. Members shall be appointed for terms of two years, beginning July 1, 1967. Vacancies by death, resignation or otherwise shall be filled by persons appointed by the Governor for the unexpired term. Any public

officer appointed to the Commission shall serve ex officio in addition to his duties imposed by law.

The Commission shall elect one of its members as Chairman and such other officers as the Commission deems necessary.

Sec. 2. The Commission shall study the entire problem of cancer, including research, education and services furnished cancer victims. The Commission shall study means of implementing its recommendations, assist in their development, study the effective use of assembled information, and make such additional studies and recommendations as circumstances may warrant for the control and cure of cancer. The Commission shall report annually to the Governor its findings and recommendations.

Sec. 3. Members of the Commission shall be paid for the performance of their duties the same per diem and subsistence and travel allowance as is provided for other Commissioners in the Biennial Appropriations Act. These expenses and such other expenses as the Commission may incur in the performance of its duties, subject to the approval of the Governor and Council of State, shall be paid out of the Contingency and Emergency Fund.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

S. B. 143

CHAPTER 187

AN ACT TO PROHIBIT SECRET LISTENING TO CONFERENCES BETWEEN A PERSON IN CUSTODY AND HIS ATTORNEY, AND TO PROHIBIT SECRET LISTENING TO THE DELIBERATIONS OF A GRAND JURY OR PETIT JURY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes of North Carolina is hereby amended by adding a new Article to be designated Article 30A, entitled "Secret Listening" and to read as follows:

"Article 30A

"Secret Listening

"§ 14-227.1. Secret Listening to Conference Between Prisoner and His Attorney. (a) It shall be unlawful for any person wilfully to overhear, or procure any other person to overhear, or attempt to overhear any spoken words between a person who is in the physical custody of a law enforcement agency or other public agency and such person's attorney, by using any electronic amplifying, transmitting, or recording device, or by any similar or other mechanical or electrical device or arrangement, without the consent or knowledge of all persons engaging in the conversation.

"(b) No evidence procured in violation of this Section shall be admissible over objection against any person participating in such conference in any court in this State.

"§ 14-227.2. Secret Listening to Deliberations of Grand or Petit Jury. It shall be unlawful for any person wilfully to overhear, or procure any other person to overhear, or attempt to overhear the investigations and deliberations of, or the taking of votes by, a Grand Jury or a Petit Jury in a criminal case, by using any electronic amplifying, transmitting, or recording device, or by any similar or other mechanical or electrical device or arrangement, without the consent or knowledge of said Grand Jury or Petit Jury."

Sec. 2. All persons violating the provisions of G. S. 14-227.1 or G. S. 14-227.2 shall be guilty of a misdemeanor and punishable by fine or imprisonment in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

S. B. 179 CHAPTER 188

AN ACT TO AMEND G. S. 143-117 TO ADD WESTERN CAROLINA CENTER TO STATE MENTAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-117 is hereby amended by adding, in line 3, after the comma following the word "Kinston", the words "Western Carolina Center,".

Sec. 2. This Act shall be applicable to all those persons now or hereafter residents at the Western Carolina Center and to those whose accounts are now due and owing.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

S. B. 188 CHAPTER 189

AN ACT TO FIX THE SALARIES OF THE CHIEF DEPUTY AND DEPUTY SHERIFFS OF HENDERSON COUNTY, AND TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL DEPUTY SHERIFFS, AND THE PURCHASE OF A PATROL CAR FOR THE SHERIFF'S DEPARTMENT.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Henderson County is hereby authorized to designate a Chief Deputy Sheriff, and the salary of the Chief Deputy shall be five hundred dollars ($500.00) per month.

Sec. 2. The Sheriff of Henderson County, in his discretion, is hereby authorized to appoint five deputy sheriffs in addition to the number of deputies now authorized by law, and the salaries of all deputy sheriffs in Henderson County shall be four hundred dollars ($400.00) per month.

Sec. 3. The Sheriff of Henderson County is hereby authorized to purchase one additional patrol car to be used by the Sheriff's Department in the performance of its official duties.

Sec. 4. The Board of County Commissioners of Henderson County is hereby authorized and directed to appropriate from the general fund of the county sufficient funds to pay the salaries of the Chief Deputy, the deputy sheriffs and for the purchase of the additional patrol car herein authorized.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

S. B. 201

CHAPTER 190

AN ACT TO PROVIDE FOR THE STATE OF NORTH CAROLINA TO ENTER INTO THE INTERSTATE LIBRARY COMPACT.

The General Assembly of North Carolina do enact:

Section 1. The Interstate Library Compact is hereby enacted into law and entered into by this State with all states legally joining therein in the form substantially as follows:

"INTERSTATE LIBRARY COMPACT

"Article I. Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

"Article II. Definitions

As used in this compact: (a) 'Public library agency' means any unit or agency of local or State government operating or having power to operate a library.

(b) 'Private library agency' means any nongovernmental entity which operates or assumes a legal obligation to operate a library.

(c) 'Library agreement' means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

"Article III.

Interstate Library Districts

(a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.

(b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.

2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.

3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.

4. Employ professional, technical, clerical and other personnel, and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.

5. Sue and be sued in any court of competent jurisdiction.

6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.

7. Construct, maintain and operate a library, including any appropriate branches thereof.

8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

"Article IV. Interstate Library
Districts, Governing Board

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

"Article V.
State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

"Article VI. Library Agreements

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.

2. Provide for the allocation of costs and other financial responsibilities.

3. Specify the respective rights, duties, obligations and liabilities of the parties.

4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

"Article VII.

Approval of Library Agreements

(a) Every library agreement made pursuant to this compact shall, prior to and as condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within 90 days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this Article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

"Article VIII. Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

"Article IX. Appropriations and Aid

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and Federal aid which may be available to library agencies.

"Article X. Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

"Article XI.

Entry into Force and Withdrawal

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

"Article XII.

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

Sec. 2. No county, municipality, or other political subdivision of this State shall be party to a library agreement which provides for the construction or maintenance of a library pursuant to Article III, subdivision (c) 7 of the compact, nor pledge its credit in support of such a library, or contribute to the capital financing thereof, except after compliance with any laws applicable to such counties, municipalities, or other political subdivisions relating to or governing capital outlays and the pledging of credit.

Sec. 3. As used in the compact, "state library agency", with reference to this State, means The North Carolina State Library.

Sec. 4. An interstate library district lying partly within this State may claim and be entitled to receive State aid in support of any of its functions to the same extent and in the same manner as such functions

are eligible for support when carried on by entities wholly within this State. For the purposes of computing and apportioning State aid to an interstate library district, this State will consider that portion of the area which lies within this State as an independent entity for the performance of the aided function or functions and compute and apportion the aid accordingly. Subject to any applicable laws of this State, such a district also may apply for and be entitled to receive any Federal aid for which it may be eligible.

Sec. 5. The State Librarian shall be the compact administrator pursuant to Article X of the compact. The State Librarian may appoint one or more deputy compact administrators pursuant to said Article.

Sec. 6. In the event of withdrawal from the compact the Governor shall send and receive any notices required by Article XI (b) of the compact.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

H. B. 404

CHAPTER 191

AN ACT TO AUTHORIZE A REFERENDUM IN THE TOWN OF EDENTON ON THE QUESTION OF AMENDING CHAPTER 1013 OF THE SESSION LAWS OF 1961 TO ABOLISH THE TOWN BOARD OF PUBLIC WORKS.

The General Assembly of North Carolina do enact:

Section 1. At the regular Edenton town election to be held in May, 1967, the Town Council of the Town of Edenton shall cause to be submitted to the qualified voters of the town the question of amending the Charter of the town, Chapter 1013 of the Session Laws of 1961, to abolish the Board of Public Works, as provided in Section 2 of this Act.

At such election, ballots shall be provided containing the words "For Abolishing Board of Public Works" and "Against Abolishing Board of Public Works", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

The Chowan County Board of Elections shall cause a notice of such referendum to be published once in each of the two calendar weeks preceding the day of election in a newspaper having general circulation in the town.

Except as otherwise provided herein, such referendum shall be conducted in accordance with the laws, rules, and regulations governing regular town elections.

If a majority of the votes cast in such referendum shall be cast "For Abolishing Board of Public Works", then Sections 2 and 3 of this Act shall be effective immediately. If a majority of the votes cast in such referendum shall be cast "Against Abolishing Board of Public Works", then Sections 2 and 3 of this Act shall be of no force and effect.

Sec. 2. Subject to the provisions of Section 1 hereof, the Charter of the Town of Edenton, as enacted by Section 1 of Chapter 1013 of the Session Laws of 1961, is hereby amended as follows:

(a) by inserting immediately after the fourth comma in the first paragraph of Section 4 of Chapter II thereof the word "and", and by striking out all of the first sentence of said paragraph appearing between the word "Treasurer" and the period at the end of said sentence;

(b) by changing the semicolon in the seventh line of the second paragraph of Section 4 of Chapter II thereof to a period, and by striking out all of said paragraph appearing after such period;

(c) by striking out of the second and third lines of the third paragraph of Section 4 of Chapter II thereof the words "and members of the Board of Public Works";

(d) by inserting between the comma and the word "the" in the first line of Section 2 of Chapter III thereof the word "and", and by striking out of the second line of said Section the comma and the words "and the members of the Board of Public Works";

(e) by inserting immediately after the first comma in the second line of Section 5 of Chapter III thereof the word "nor", and by striking out of the second and third lines of said Section the words "nor any member of the Board of Public Works";

(f) by striking out of the second and third lines of Section 10 of Chapter III thereof the words "or member of the Board of Public Works";

(g) by striking out of the fifth and sixth lines of Section 10 of Chapter III thereof the third comma and the words "or member of the Board of Public Works";

(h) by rewriting Chapter V thereof to read as follows:

"CHAPTER V. BOARD OF COUNCILMEN

"Section 1. Administration of Departments; Committees. The Board of Councilmen, as a body, shall have control and supervision over all departments of the town, and to that end shall have power to make and enforce such rules and regulations as it may deem fit and proper concerning the organization, management, and operation of all the departments of the town and of such agencies as may be created for the administration of its affairs. The Board of Councilmen, may by majority vote of all its members, create the following committees, each composed of two Councilmen, to perform the functions and duties herein prescribed: (a) Committee on Finance and Revenue, to oversee the preparation of the annual budget and the recommendations as to the levy of taxes, the collection of revenues, and the management of all financial affairs of the town; (b) Committee on Utilities, to oversee the affairs of the Electric and Water Department and to recommend policies as to utility extensions, enlargements, and rates; and (c) Committee on Public Works, to oversee the affairs of the Street, Health, Sanitation, and Engineering Departments, and the operation and condition of the Town Common and all other public parks and squares of the town. The Board of Councilmen may from time to time assign additional duties to one or more of the committees herein

authorized, and the Board of Councilmen or the Mayor may from time to time create other committees for other specific purposes of functions.

"Section 2. Administrative Duties of Committees. Should the Board of Councilmen create the committees authorized by the preceding Section, then each committee shall approve all accounts and claims against the department or departments, and for the functions, within the scope of its responsibility. In the absence of either member of a committee, the other member shall perform such function, and in the absence of both members of a committee, the Mayor may assign such function to the Committee on Finance and Revenue. Before payment, all accounts shall be acted upon by the Board of Councilmen, acting as such, at a regular meeting."

(i) by striking out of the fourth and fifth lines of subsection (3)(a) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", except the affairs of the Water and Light Department,";

(j) by striking out of the second and third lines of subsection (4) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", except the Water and Light Department,";

(k) by changing the comma in the eleventh line of subsection (4) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1961, to a period, and by striking out all of said subsection following such period;

(l) by striking out all of subsection (5) of Section 1 of Chapter VI thereof, as enacted by Section 1 of Chapter 338 of the Session Laws of 1965;

(m) by striking out of the sixth and seventh lines of Section 6 of Chapter VI thereof, as renumbered by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", and Commissioner of Finance and Revenue";

(n) by striking out of the twenty-ninth and thirtieth lines of Section 6 of Chapter VI thereof, as renumbered by Section 1 of Chapter 338 of the Session Laws of 1965, the punctuation and words ", or Commissioner of Finance and Revenue";

(o) by striking out all of Chapter VII thereof, entitled "Board of Public Works";

(p) by adding at the end of Chapter XII thereof a new Section, to be designated as Section 3 and to read as follows:

"Section 3. Sale or Lease of Utility Systems. The Board of Councilmen shall not sell or lease the town electric system, the town water system, the town sewerage system, or any other utility system which the town owns or may hereafter own, unless such sale or lease and the terms thereof be approved by a majority of the qualified voters who vote thereon in an election held not earlier than six months preceding such sale or lease; provided, this Section shall not be deemed to prohibit the Board of Councilmen from selling or exchanging particular utility lines, or minor portions of any utility system, located outside the corporate limits, in its discretion and without approval of the voters."

(q) by redesignating Chapters VIII through XII thereof as Chapters VII through XI, respectively.

Sec. 3. (a) From and after the Monday following the regular Edenton town election in 1967, all property, real and personal, including accounts receivable, then belonging to and owned by the Board of Public Works of the Town of Edenton, or belonging to and owned by the Water and Light Department of the Town of Edenton, shall vest in, belong to, and be the property of the Town of Edenton. The Board of Public Works of the Town of Edenton is hereby empowered and authorized to perform such acts and execute such documents, prior to the Monday following the regular Edenton town election in 1967, as will carry into effect the provisions of this subsection.

(b) The terms of office of those members of the Board of Public Works of the Town of Edenton who were elected for four-year terms in 1963, or of their successors, shall expire on the Monday following the regular 1967 town election, as now provided by Section 2 of Chapter III of the Town Charter, and no successors to such members shall be elected.

(c) Those members of the Board of Public Works of the Town of Edenton who were elected for four-year terms in 1965, or their successors, are hereby constituted advisors to the Board of Councilmen on town utility matters, beginning on the Monday following the 1967 Edenton town election and ending at the expiration of their elective terms on the Monday following the 1969 Edenton town election. No successors to such members, as such or as advisors on town utility matters, shall be elected.

Sec. 4. Notwithstanding any other provision of law, the Board of Elections of Chowan County may, in lieu of giving notice of the 1967 Edenton town election at the time prescribed by any other law, give notice of the same in the usual manner at a time or times subsequent to the ratification of this Act and prior to such election. Any notice heretofore given of the 1967 Edenton town election or of the referendum authorized by Section 1 hereof, insofar as the same does not conflict with the provisions of this Act, is hereby legalized, ratified, approved, validated, and confirmed.

Sec. 5. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 6. Subject to the provisions of Section 1 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

H. B. 128

CHAPTER 192

AN ACT TO MAKE CHAPTER 152A OF THE GENERAL STATUTES, PROVIDING FOR A COUNTY MEDICAL EXAMINER, APPLICABLE TO CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152A-12 is hereby amended by inserting Caldwell County in the list of counties to which Chapter 152A of the General Statutes applies, so that the said Chapter becomes applicable to Caldwell County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon and after the date of its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1967.

H. B. 147 CHAPTER 193

AN ACT TO AMEND THE UNIFORM NARCOTIC DRUG ACT.

The General Assembly of North Carolina do enact:

Section 1. Section (1)(d) of G. S. 90-87, as it appears in Volume 2C, 1965 Replacement, of the General Statutes of North Carolina, is hereby amended by striking out the words "Peyote or" immediately preceding the word "marihuana" in line 9 and by capitalizing the word "marihuana" in said Section.

Sec. 2. Section (9) of G. S. 90-87, as it appears in Volume 2C, 1965 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"(9) 'Narcotic drugs' means coco leaves, opium, cannabis, peyote, mescaline, psilocybe mexicana, psilocybin, lysergic acid diethylamide, or other psychedelic drugs or hallucinogens, or any derivatives of any of these which possess hallucinagenic properties, and every other substance neither chemically nor physically distinguishable from them; and other drugs to which the federal narcotic laws may now apply; and any drug found by the State Board of Health, after reasonable notice and opportunity for hearing to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, from the effective date of determination of such finding by said State Board of Health."

Sec. 3. G. S. 90-98, as it appears in Volume 2C, 1965 Replacement, of the General Statutes of North Carolina, is amended by rewriting said Section so that the same shall hereafter read as follows:

"§ 90-98. Records of Drugs Dispensed; Records of Manufacturers and Wholesalers; Records of Pharmacists; Written Orders Unnecessary for Certain Drugs; Invoices Rendered with Sales. Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed as a sufficient compliance with this Section if any such person using small quantities or solutions or other preparations of such drugs for local application shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

"Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of this Section.

"Pharmacists and pharmacy owners shall keep records of all narcotics drugs received and disposed of by them, in accordance with the provisions of this Article.

"The keeping of a record required by or under the federal narcotic law shall constitute the only record required to be kept by every person who purchases for resale or who sells narcotic drug preparations exempted.

"Written orders shall not be required for the sale of cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilocybin, and lysergic acid diethylamide, and the provisions of the Article in respect to written orders and records shall not apply to cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilocybin, and lysergic acid diethylamide, but manufacturers and wholesalers of cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilocybin, and lysergic acid diethylamide, shall be required to render with every sale of cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilocybin, and lysergic acid diethylamide, an invoice, whether such sale be for cash or on credit; and such invoice shall contain the date of such sale, the name and address of the purchaser, and the amount of cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilocybin, and lysergic acid diethylamide so sold.

"Every purchaser of cannabis indica, cannabis sativa, peyote, marihuana, mescaline, psilocybe mexicana, psilosybin, and lysergic acid diethylamide from a wholesaler or manufacturer shall be required to keep the invoice rendered with such purchase for a period of two years."

Sec. 4. Section (b) of G. S. 90-111.2, as it appears in Volume 2C, 1965 Supplement, of the General Statutes of North Carolina, is amended by striking out the words "of violations of this Article" immediately following the word "investigations" of line 8 and by adding a period after the word "investigations".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1967.

H. B. 148

CHAPTER 194

AN ACT TO AMEND THE UNIFORM BARBITURATE AND STIMULANT DRUGS ACT.

The General Assembly of North Carolina do enact:

Section 1. Section (b) of G. S. 90-113.7, as it appears in Volume 2C, 1965 Supplement, of the General Statutes of North Carolina, is amended by striking out the words "of violations of this Article" immediately following the word "investigations" of line 8 and by adding a period after the word "investigations".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1967.

H. B. 428

CHAPTER 195

AN ACT AUTHORIZING THE ESTABLISHMENT OF CITY ALCOHOLIC BEVERAGE CONTROL STORES IN THE CITY OF CONCORD UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Concord may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not City Alcoholic Beverage Control Stores may be operated in the City of Concord and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for City Alcoholic Beverage Control Stores to be set up and operated in said city, but if a majority of the votes cast in said election shall be against the operation of City Alcoholic Beverage Control Stores, no such stores shall be set up or operated in said city under the provisions of this Act.

Sec. 2. In calling for such special election, the said board shall give at least 20 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special election as is required by law for them to remain open for a regular election. A new registration of voters for such special election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Alcoholic Beverage Control Stores", "Against City Alcoholic Beverage Control Stores". Those favoring setting up and operating City Alcoholic Beverage Control Stores in the City of Concord shall mark in the voting square to the left of the words "For City Alcoholic Beverage Control Stores" printed on the ballot, and those opposed to City Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against City Alcoholic Beverage Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to regular elections in the City of Concord.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Alcoholic Beverage Control Stores", the City Alcoholic Beverage Control Stores Board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said stores, and shall thereafter cease to operate the same, and within said three months the City Alcoholic Beverage Control Stores Board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within the said City of Concord in

force and effect prior to the authorization to operate City Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Alcoholic Beverage Control Stores". No election shall be called and held in the City of Concord under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the City of Concord to order the special election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or City of Concord general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of City Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the City of Concord shall immediately create a City Alcoholic Beverage Control Board to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The City of Concord Alcoholic Beverage Control Board". The chairman of said board shall be designated by the mayor and governing body of the city and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the city.

Sec. 5. The said City of Concord Alcoholic Beverage Control Board shall have all the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. Provided, that no City Alcoholic Beverage Control Stores authorized under this Act shall be located or operated within 450 feet of any school or church in the City of Concord. The said City of Concord Alcoholic Beverage Control Board and the operation of any City Alcoholic Beverage Control Store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include City of Concord Alcoholic Beverage Control Board.

Sec. 6. In the event an election shall be held for Cabarrus County wherein a majority of the votes cast shall be for the operation of Alcoholic Beverage Control Stores prior to an election under this Act, then this Act shall be null and void.

Sec. 7. Out of the net profit remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working

capital, the Board of Aldermen of the City of Concord shall distribute said net profit as follows: the first five per cent (5%) for law enforcement and the balance as follows: twenty-five per cent (25%) to Cabarrus County, and seventy-five per cent (75%) to the City of Concord.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1967.

H. B. 429 **CHAPTER 196**

AN ACT AUTHORIZING THE ESTABLISHMENT OF TOWN ALCOHOLIC BEVERAGE CONTROL STORES IN THE TOWN OF MT. PLEASANT UPON A VOTE OF THE PEOPLE AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORES.

The General Assembly of North Carolina do enact:

Section 1. The Town Board of the Town of Mt. Pleasant may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not Town Alcoholic Beverage Control Stores may be operated in the Town of Mt. Pleasant and if a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for Town Alcoholic Beverage Control Stores to be set up and operated in said town, but if a majority of the votes cast in said election shall be against the operation of Town Alcoholic Beverage Control Stores, no such stores shall be set up or operated in said town under the provisions of this Act.

Sec. 2. In calling for such special election, the said board shall give at least 20 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special election as is required by law for them to remain open for a regular election. A new registration of voters for such special election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating Town Alcoholic Beverage Control Stores in the Town of Mt. Pleasant shall mark in the voting square to the left of the words "For Town Alcoholic Beverage Control Stores" printed on the ballot, and those opposed to Town Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Town Alcoholic Beverage Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to regular elections in the Town of Mt. Pleasant.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Alcoholic Beverage Control Stores", the Town Alcoholic Beverage Control Stores Board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said stores, and shall thereafter cease to operate the same, and within said three months the Town Alcoholic Beverage Control Stores Board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local, and Private Laws applicable to the sale of intoxicating beverages within the said Town of Mt. Pleasant in force and effect prior to the authorization to operate Town Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Mt. Pleasant under the provisions of this Act within 3 years from the holding of the last election thereunder. It shall be the duty of the Town Board of the Town of Mt. Pleasant to order the special election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Mt. Pleasant general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Mayor and Town Board of the Town of Mt. Pleasant shall immediately create a Town Alcoholic Beverage Control Board to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Mt. Pleasant Alcoholic Beverage Control Board". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Sec. 5. The said Town of Mt. Pleasant Alcoholic Beverage Control Board shall have all the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. Provided, that no Town Alcoholic Beverage Control Stores authorized under this Act shall be located or operated within 450 feet of any school or church in the Town of Mt. Pleasant. The said Town of Mt. Pleasant Alcoholic Beverage Control Board and the operation of any Town Alcoholic Beverage Control Store authorized under the provisions of this Act shall be subject to and in

pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Mt. Pleasant Alcoholic Beverage Control Board.

Sec. 6. In the event an election shall be held for Cabarrus County wherein a majority of the votes cast shall be for the operation of Alcoholic Beverage Control Stores prior to an election under this Act, then this Act shall be null and void.

Sec. 7. Out of the net profit remaining after the payment of all costs and operating expenses, and after retaining a sufficient and proper working capital, the Town Board of the Town of Mt. Pleasant shall distribute said net profit as follows: the first five per cent (5%) for law enforcement and the balance as follows: twenty-five per cent (25%) to Cabarrus County, and seventy-five per cent (75%) to the Town of Mt. Pleasant.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of April, 1967.

S. B. 115 CHAPTER 197

AN ACT TO PROVIDE FOR ALTERNATE MEMBERS OF ENLARGED MUNICIPAL BOARDS OF ADJUSTMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-178, as the same appears in the 1965 Supplement to 1964 Replacement Volume 3D of the General Statutes, is hereby amended by striking out of the ninth line thereof the words "not more than two".

Sec. 2. G. S. 160-181.2, as the same appears in the 1965 Supplement to 1964 Replacement Volume 3D of the General Statutes, is hereby amended by changing the period in the third line of the third paragraph thereof to a comma, and by inserting immediately following such comma the following words and punctuation: "and by adding alternate members equal to the number of alternate members appointed to the existing board of adjustment."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 175 **CHAPTER 198**

AN ACT TO MAKE IT UNLAWFUL TO TAKE OR DESTROY SEA TURTLES OR SEA TURTLE EGGS DURING THE MONTHS OF MAY THROUGH SEPTEMBER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 113 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 113-188, to be designated as G. S. 113-189, and to read as follows:

"G. S. 113-189. Protected Species. It shall be unlawful willfully to take, disturb or destroy any sea turtles including, but not limited to, green, hawksbill, loggerhead, and leatherback turtles, or their nests or eggs at any time during the months of May, June, July, August and September of each year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 245 **CHAPTER 199**

AN ACT RELATING TO RETIREMENT BENEFITS FOR CERTAIN EMPLOYEES OF THE TOWN OF LINCOLNTON IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Lincolnton is authorized to appropriate funds, from nontax revenues of the Town of Lincolnton, for retirement benefits granted to any employee, or retired employee, of the Town of Lincolnton, in addition to the retirement benefits the employee may receive from the North Carolina Local Governmental Employees' Retirement System, or any other retirement benefits he or she may receive from other sources.

Sec. 2. All retired employees of the Town of Lincolnton, who have been employed by the Town of Lincolnton for an accumulated period of twenty-five years or more shall be paid fifty dollars ($50.00) per month during his or her lifetime.

Sec. 3. The employee and retired employee, shall file with the Clerk to the Board of Aldermen of the Town of Lincolnton a notice of his or her desire to be placed on the roll for retirement, which shall be voluntary on the part of the employee or the retired employee.

Sec. 4. The retired employee, who desires to come under the pension plan, shall pay to the Treasurer of the Town of Lincolnton three and one-half per cent (3½%) of his or her wages or salary, for the last two years he or she was employed by the Town of Lincolnton.

Sec. 5. All employees of the Town of Lincolnton who desire to be placed on the retirement and pension roll shall pay three and one-half per cent (3½%), monthly, of his or her wages or salary to the Town Treasurer.

Sec. 6. The Town of Lincolnton shall pay three and one-half per cent (3½%) monthly, which is the same per cent to be paid by the employees and retired employees of the Town of Lincolnton, from nontax moneys and revenue.

Sec. 7. The funds so collected shall be placed and deposited in a bank, in a separate fund, to be known as retirement fund, and to be disbursed by voucher drawn by the Town Treasurer of the Town of Lincolnton and countersigned by the Mayor.

Sec. 8. Should the retirement fund, at any time, be insufficient to make the monthly payments the Town shall place in said retirement fund an amount sufficient to make the monthly payments, the funds to be paid out of nontax moneys.

Sec. 9. Employees of the Town of Lincolnton, whether paid wages or salary, including the Clerk to the Board of Aldermen, Town Treasurer, Town Attorney, and any and all other employees of the Town of Lincolnton, may voluntarily file notice with the Clerk of the Board of Aldermen to be entered on the roll of pension.

Sec. 10. Employees at age of 62 or over and with 25 years accumulated employment of the Town of Lincolnton will receive the retirement pay of fifty dollars ($50.00) per month, or if the employee becomes disabled or unable to work at a gainful occupation, and has an accumulated employment with the Town of Lincolnton for at least ten years or more, shall be entitled to the retirement benefits of fifty dollars ($50.00) per month.

Sec. 11. Any employee of the Town of Lincolnton, at his or her option, by written notice to the Clerk of the Board of Aldermen, may withdraw from the pension plan and he or she will be refunded the money he or she has paid into the retirement fund, without interest.

Sec. 12. Employees of the Town of Lincolnton on the effective date of this Act who desire to be placed on the retirement roll and pension shall file with the Clerk of the Board of Aldermen of the Town of Lincolnton, within six months of the effective date of this Act, a written request that he or she be placed on the retirement roll and pension, and, likewise, all new and or additional employees of the Town of Lincolnton after the effective date of this Act shall file with the Clerk of the Board of Aldermen, within six months after his or her employment by the Town, his or her desire to be placed on the roll and retirement pension. Otherwise the employee shall not be placed on the retirement roll and pension.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 271 **CHAPTER 200**

AN ACT TO AMEND CHAPTER 511, SESSION LAWS OF 1951, TO PROVIDE FOR THE ELECTION OF MAYOR AND COMMISSIONERS IN THE TOWN OF WHITE LAKE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 511, Session Laws of 1951, is hereby amended by rewriting Section 3 thereof to read as follows:

"Sec. 3. The governing body of the Town of White Lake shall consist of a mayor and three commissioners, to be elected by the qualified voters of the municipality. Any person who is a qualified voter under the Constitution of North Carolina shall be eligible to hold office and to vote in all municipal elections. The present members of the board of commissioners and the mayor shall hold office until their successors are elected and qualified as herein provided."

Sec. 2. Section 6 of Chapter 511, Session Laws of 1951, is hereby rewritten to read as follows:

"Sec. 6. At the regular municipal election for 1967, which shall be held on Tuesday after the first Monday in June, 1967, a mayor shall be elected for a term of two years, and there shall be elected three commissioners, as follows: The two candidates receiving the highest number of votes shall be elected for a term of four years, and the candidate receiving the next highest number of votes shall be elected for a term of two years. Beginning in 1969, and biennially thereafter, the regular municipal election shall be held on Tuesday after the first Monday in May, at which time a mayor shall be elected for a term of two years and there shall be elected members of the board of commissioners to take the place of the members whose terms next expire, and the persons so elected shall serve for a term of four years. Any vacancy in the office of mayor or on the board of commissioners shall be filled by the remaining members of the board of commissioners, and the person so appointed shall serve for the unexpired term."

Sec. 3. In the event two or more candidates receive the same number of votes in the 1967 election, the board of canvassers shall determine which candidates are elected for a four-year term and which candidate is elected for a two-year term.

Sec. 4. Section 7, Chapter 511, Session Laws of 1951, is hereby rewritten to read as follows:

"Sec. 7. Persons elected as mayor and members of the board of commissioners, shall qualify and their term of office shall begin on the first Friday following their election. Except as otherwise provided in this Act, all municipal elections in the Town of White Lake shall be held in accordance with the provisions of Article 3, Chapter 160, of the General Statutes of North Carolina."

Sec. 5. Sections 8 and 9 of Chapter 511, Session Laws of 1951, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 289 CHAPTER 201

AN ACT TO AMEND G. S. 20-38(20)d CLARIFYING DEFINITION OF MOTORCYCLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-38(20)d, as same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby rewritten to read as follows:

"d. Motorcycle

"Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, and three-wheeled vehicles while being used by law enforcement agencies."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 315 CHAPTER 202

AN ACT TO AMEND G. S. 1-371 RELATING TO THE ALLOTMENT OF A HOMESTEAD SO AS TO AUTHORIZE A DEPUTY SHERIFF OF CASWELL COUNTY TO APPOINT APPRAISERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-371 is hereby amended by inserting immediately following the word "Camden" and immediately preceding the word "Chowan", in line 14 thereof, the word "Caswell".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 336 CHAPTER 203

AN ACT TO AMEND CHAPTER 213 OF THE PRIVATE LAWS OF 1903 TO PROVIDE AT LARGE ELECTIONS IN THE TOWN OF PLYMOUTH, AND TO REPEAL CONFLICTING ACTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 213 of the Private Laws of 1903 is hereby amended by rewriting Sections 3 and 4 thereof to read as follows:

"Sec. 3. The corporate powers of the town shall be exercised by a Board of Councilmen of six members, elected as provided by this Act. Regular town elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. At each election, the qualified voters of the town voting at large shall elect a mayor, and shall elect two councilmen

from each of the three wards, all to serve for terms of two years, or until their successors are elected and qualified. In each election, the candidate for mayor who receives the largest number of votes cast for mayor shall be declared elected, and the two candidates for councilman from each ward who receive the largest numbers of votes cast for candidates who reside in the ward wherein they reside shall be declared elected.

"Sec. 4. G. S. 160-31, insofar as it requires a separate polling place in each ward, shall not apply to the Town of Plymouth. The Board of Councilmen may, in its discretion, establish one or more polling places, and may from time to time change the polling place or places."

Sec. 2. Chapter 213 of the Private Laws of 1903 is hereby further amended by striking out the first and second sentences of Section 5 thereof.

Sec. 3. The following Acts and portions of Acts are hereby repealed:

(a) Sections 1, 2, and 3 of Chapter 20 of the Private Laws of 1911;

(b) Chapter 179 of the Private Laws of 1915;.

Sec. 4. The notice heretofore given of the 1967 regular election in the Town of Plymouth, and the notice heretofore given of the discontinuance of certain polling places or of changes in polling places for such election, and the action of the Board of Councilmen of the Town of Plymouth in discontinuing such polling places or changing such polling places, are all hereby legalized, ratified, approved, validated, and confirmed.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 355 CHAPTER 204

AN ACT TO AUTHORIZE THE TOWN OF WEST JEFFERSON TO CONVEY CERTAIN LANDS AT PRIVATE SALE TO THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the Town of West Jefferson is hereby authorized and empowered in its discretion to sell and convey to the State of North Carolina, at private sale, for nominal consideration, a certain tract or parcel of land located in West Jefferson Township, Ashe County, North Carolina, more particularly described as follows:

BEGINNING at a point in the property line between the Town of West Jefferson and the State of North Carolina said beginning point being identified as lying North 13 degrees 15 minutes West 17.95 feet from a common corner of Bill Woody, J. Ivan Miller, the State of North Carolina and the Town of West Jefferson; thence, from said beginning point North 13 degrees 15 minutes West 282.05 feet to a point; thence, North 14 degrees 15 minutes East 116.1 feet to a point; thence, South 26 degrees 26 minutes East 50.0 feet to a point; thence, South 20 degrees 42 minutes East 50.0 feet to a point; thence South 14 degrees 58 minutes East 50.0 feet to a point; thence, South 10 degrees 52 minutes East passing through a North Carolina State Highway right of way marker 50.0 feet to a point; thence, South 8 degrees 02 minutes East 100.0 feet to a point; thence,

South 6 degrees 49 minutes West 50.0 feet to a point; thence, South 26 degrees 30 minutes West 30.0 feet to a point; thence, South 42 degrees 17 minutes West 30.78 feet to the point of BEGINNING, containing 0.48 acres, more or less.

Sec. 2. The conveyance from the Town of West Jefferson to the State shall be upon the condition that the property be used for State park purposes in connection with the Mount Jefferson State Park and that if the same ever ceases to be so used it will automatically revert to the Town of West Jefferson.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 371 CHAPTER 205

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF DUPLIN COUNTY TO EXPEND SURPLUS GENERAL FUNDS AND NON-TAX REVENUE FUNDS FOR FLOOD CONTROL PROJECT ON THE NORTHEAST RIVER.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Duplin County is hereby authorized and empowered to expend, in its discretion, surplus general funds and surplus nontax revenue funds which may be on hand for flood control purposes on the Northeast River in Duplin County. The Board of Commissioners is authorized to enter into contracts and agreements with the Federal Government, or its agencies, in the expenditure of said funds.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 372 CHAPTER 206

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO EXPEND SURPLUS GENERAL FUNDS FOR THE CONSTRUCTION OF A COUNTY WELFARE BUILDING.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Duplin County is hereby authorized, in its discretion, to expend surplus general funds, which may be on hand, for the purpose of constructing and equipping a county welfare building in Duplin County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 405 **CHAPTER 207**

AN ACT TO AMEND CHAPTER 130 OF THE PRIVATE LAWS OF 1913 TO PROVIDE FOUR-YEAR TERMS FOR OFFICIALS OF THE TOWN OF MILTON.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the Private Laws of 1913 is hereby amended by rewriting Section 5 thereof to read as follows:

"Sec. 5. Regular town elections shall be held on the Tuesday after the first Monday in May, 1967, and quadrennially thereafter. At the regular election in 1967, and quadrennially thereafter, there shall be elected a mayor and four commissioners to serve for terms of four years, or until their successors are elected and qualified. Any vacancy in the office of mayor or commissioner shall be filled by the Board of Commissioners for the remainder of the unexpired term. Regular elections shall be conducted in accordance with Article 3, Chapter 160, of the General Statutes, except as herein provided."

Sec. 2. The notice heretofore given of the 1967 regular election in the Town of Milton is hereby ratified, validated, and confirmed, and no further notice of said election shall be necessary.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 431 **CHAPTER 208**

AN ACT TO AMEND CHAPTER 920, SESSION LAWS OF 1963, RELATING TO THE APPOINTMENT OF SPECIAL SECURITY OFFICERS OF FONTANA VILLAGE IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 920, Session Laws of 1963, is hereby amended by inserting in line one of Section 1, immediately following the figures "1963", the words "and quadrennially thereafter,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 435 **CHAPTER 209**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY TO LEASE CERTAIN PROPERTY TO THE STANLY COUNTY FIREMEN'S ASSOCIATION AND TO EXPEND CERTAIN FUNDS FOR FIRE PROTECTION PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In order to provide for better fire protection for the citizens of Stanly County, the Board of County Commissioners of Stanly County is

hereby authorized to lease to the Stanly County Firemen's Association for a nominal sum for a term of four years, with the right of the Board of County Commissioners, in its discretion, to renew said lease for a second or any number of successive four-year terms, that portion of the Old County Home property, which is no longer needed for other county purposes, which is described as follows:

Lying and being on the West side of Road No. 1400, known as the Old Salisbury Road, and BEGINNING at an iron stake on the West edge of said road, which point is North 11 degrees 39 minutes West 637 feet from the center of Road No. 1422, which road intersects Road No. 1400, and runs thence a new line South 78 degrees 14 minutes West 700 feet to an iron stake; thence North 24 degrees 35 minutes West 400 feet to an iron stake; thence North 42 degrees 35 minutes East 100 feet to an iron stake; thence North 70 degrees 39 minutes East 400 feet to an iron stake; thence North 11 degrees 15 minutes East 330 feet to an iron stake; thence North 37 degrees 35 minutes East 243 feet to an iron stake on the West edge of Road No. 1400, known as the Old Salisbury Road; thence with the West edge of said road South 11 degrees 39 minutes East, and passing a cedar stump by an old hedge row, 963 feet to the point of BEGINNING, and containing 10.36 acres, more or less, as surveyed by Ellis Huneycutt, County Surveyor, and M. B. Wilson, Registered Surveyor, March 14, 1967.

Such lease would be for the purpose of providing the above referred to Association with property to be used for training purposes and, in the event the Association ceased to use any of the property for the purpose for which it was leased, then any permanent improvements erected thereon by said Association shall become the property of Stanly County.

Sec. 2. In order to provide further for greater fire protection for the citizens of Stanly County, the Board of County Commissioners of Stanly County is authorized to pay said Association not more than two hundred fifty dollars ($250.00) per month during the fiscal years 1967-68 and 1968-69 to be used to assist said Association in its training operation and in the erection of necessary structures therefor on the leased property.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 436 CHAPTER 210

AN ACT TO AMEND CHAPTER 723, SESSION LAWS OF 1961, SO AS TO PROVIDE FOR INCREASING THE MEMBERSHIP OF THE RECREATION COMMISSION OF THE CITY OF WILSON FROM SIX TO SEVEN MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 723 of the Session Laws of 1961 is amended by striking out the word "six" in line 5 of Section 1 of said Act and inserting in lieu thereof the word "seven".

Sec. 2. Said Act is further amended by adding, at the end of the first Section, the following:

"The Board of Commissioners of the City of Wilson, at its regular meeting in April 1967, or at any adjourned meeting thereof, shall appoint the seventh member of the Recreation Commission of the City of Wilson to serve until January 1, 1968, at which time the members whose term expire on January 1, 1968, shall be succeeded by members appointed by the Board of Commissioners of the City of Wilson at their regular meeting in December 1967, to serve for a term of three years. Every third year thereafter, three members, instead of two, shall be appointed as members of the Recreation Commission for a term of three years.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 506 CHAPTER 211

AN ACT TO AMEND CHAPTER 78, SESSION LAWS OF 1967, RELATING TO VOTING ON A SUNDAY CLOSING ORDINANCE IN THE CITY OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 78 of the Session Laws of 1967 is amended by adding at the end of Section 1 of said Act a new paragraph as follows:

"Each voter shall be furnished a ballot on which, together with appropriate blocks for marking the ballot, shall be printed: ☐ FOR a Sunday Closing Ordinance. ☐ AGAINST a Sunday Closing Ordinance."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

S. B. 160 CHAPTER 212

AN ACT TO AMEND G. S. 9-25 SO AS TO PROVIDE STAGGERED TERMS FOR THE GRAND JURY IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-25, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by adding a new paragraph immediately after subsection (c), to be designated (cc) and to read as follows:

"Burke. At the first term of court for the trial of criminal cases in Burke County after the first day of July, 1967, there shall be chosen a grand jury as now provided by law. The first nine members of the said jury shall serve for a term of one year and the second nine members of the said grand jury shall serve for a term of six months. Thereafter at the first regular criminal term of Superior Court after the first day of January and the first day of July of each year there shall be chosen nine

members of the said grand jury to serve for a term of one year. The foreman of the grand jury shall be chosen originally from the members serving a term of one year and thereafter the foreman shall be chosen, from the group which has served as grand jurors for six months, to serve for six months. The foreman shall be chosen by the members of the grand jury."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

S. B. 181 CHAPTER 213

AN ACT RELATING TO THE TIME OF HOLDING ELECTIONS BY THE NORTH CAROLINA COTTON PROMOTION ASSOCIATION, INC., UNDER THE PROVISIONS OF ARTICLE 50 OF CHAPTER 106 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-559, as the same appears in the 1966 Replacement Volume 3A of the General Statutes, is amended by adding at the end of said Section the following:

"Provided, that notwithstanding any other provision of this Chapter, the North Carolina Cotton Promotion Association, Inc., in 1967 shall hold a referendum, pursuant to law, for the years 1969 and 1970. Thereafter, the North Carolina Cotton Promotion Association, Inc. shall conduct either triennial or sexennial referendums as provided by law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 257 CHAPTER 214

AN ACT AMENDING CHAPTER 477 SESSION LAWS OF 1963 CREATING THE HICKORY REGIONAL PLANNING COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 5(d) of Chapter 477, Session Laws of 1963, is hereby amended by striking in line three of paragraph three therein the word "shall" and inserting the words "may, but shall not be required to".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 368

CHAPTER 215

AN ACT RELATING TO THE POWERS, DUTIES, AND COMPENSATION OF CERTAIN OFFICIALS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the same time that the regular biennial elections are held in Avery County for county officials in 1968, there shall be elected a county accountant whose term of office shall commence on the first Monday in December, 1968, and the term of his predecessor shall thereupon terminate. The term of office shall be four years. His successors shall be elected at the regular elections in 1972 and quadrennially thereafter. Any vacancy occurring in said office for any reason other than expiration of the term shall be filled by appointment by the board of county commissioners of someone to the office for the unexpired term.

Sec. 2. The county accountant shall perform all the duties prescribed by law for the county accountant, the duties of county auditor and the duties of county purchasing agent. He shall not perform any of the duties of the county tax supervisor and the board of county commissioners shall not have authority to impose upon him any of the duties of the county tax supervisor. Neither shall the county board of commissioners have any authority to impose upon the county tax supervisor any of the duties of the county accountant as described above.

Sec. 3. The office of county tax supervisor shall constitute a separate office and he shall be appointed in the manner prescribed by the general law.

Sec. 4. The salary of the county accountant shall be fixed by the board of county commissioners, in its discretion, in an amount not exceeding six thousand dollars ($6,000.00) per year. The salary of the county tax supervisor shall be fixed by the board of county commissioners, in its discretion, in an amount not exceeding four thousand eight hundred dollars ($4,800.00) per year.

Sec. 5. The board of county commissioners shall be hereby authorized to employ and provide clerical assistance for the office of Clerk of Superior Court, the office of the register of deeds, and the office of county accountant and tax supervisor, but the amount expended therefor shall not exceed one hundred fifty dollars ($150.00) per month with respect to the office of the Clerk of Superior Court, one hundred fifty dollars ($150.00) per month for the office of register of deeds and one thousand eight hundred dollars ($1,800.00) per year for the offices of county accountant and tax supervisor together.

The board of county commissioners is hereby authorized, in its discretion, to provide clerical assistance for the office of the county tax collector not to exceed five hundred dollars ($500.00) per annum.

Sec. 6. The board of county commissioners is hereby authorized, in its discretion, to fix the salary of the county sheriff at not more than seven thousand two hundred dollars ($7,200.00) per year; the salary of the chief deputy sheriff at not more than four thousand eight hundred dollars ($4,800.00) per year; and the salary of the assistant chief deputy sheriff at not more than two thousand four hundred dollars ($2,400.00) per year.

The sheriff's office shall be given a travel and uniform allowance to be fixed by the board of county commissioners in an amount not exceeding two hundred dollars ($200.00) per month, to be distributed among the sheriff and his deputies in such manner as he may deem just and equitable. Same fees as now in effect are to be used for travel within the county. Travel allowance of eight cents (8¢) per mile outside of the county shall be allowed them.

Sec. 7. Every law enforcement officer receiving compensation from Avery County for the performance of his duties shall be attired in such uniform as may be prescribed by the board of county commissioners at all times while engaged in the performance of his official duties.

Sec. 8. The board of county commissioners shall have authority to determine from time to time whether the sheriff and deputy sheriffs shall be compensated on a salary basis, or on a fee basis, or on a combination of both. The board of county commissioners shall have authority to fix the fees relating to the sheriff and his deputies and to provide for their disposition, whether to be used in compensating the sheriff and deputies in whole or in part or whether to be turned in to the general fund of the county. This Section shall not be construed to modify any provisions of this Act relating to maximum and minimum compensation for the sheriff or his deputies. The sheriff or his deputies shall not in any event receive total annual compensation in excess of the amounts prescribed by Section 6 of this Act for salary and allowances.

Sec. 9. Notwithstanding any other provisions of this Act, no salary, travel allowance or other compensation being paid to any Avery County official or employee on the effective date of this Act shall be reduced during such official's or employee's term of office below the amount of such salary, travel allowance or compensation being paid on the effective date of this Act, and the salary of any county officer elected after the effective date of this Act shall not be reduced during his term of office by an amount equal to more than twenty-five per cent (25%) of the salary fixed for such officer on the date of the preceding election at which such officer was elected to office.

Sec. 10. This Act shall apply only to Avery County.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 437 CHAPTER 216

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 713, Session Laws of the General Assembly of North Carolina of 1965, being the Charter of the City of Charlotte, is hereby amended as follows:

(a) Section 7.81 is hereby amended by deleting from the second sentence the proviso beginning after the word "laws" and inserting in lieu thereof the following:

"provided, that in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways and water and sewer facilities, the City of Charlotte is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that whenever therein the words 'Director' or 'Director of Highways' or 'Director of the Highway Commission' appear, they shall be deemed to include the 'City Manager'; provided further that nothing herein shall be construed to enlarge the power of the City of Charlotte to condemn property already devoted to public use."

(b) Section 9.22 is hereby amended by adding a new sentence at the end thereof as follows:

"The City Council is hereby authorized to sell, convey, transfer, or assign any or all right, title and interest in or to real property owned by the City of Charlotte to other governmental units at private sale, when in the judgment of the City, such real property is no longer needed or suitable for the purposes of the City, or when such sale is deemed to be in the public interest."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. B. 345 CHAPTER 217

AN ACT TO AMEND G. S. 136-2 AS IT APPLIES TO MEETINGS OF THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-2 is hereby amended by adding the words "Hickory or in" after the words "meeting in" and before the words "a town" in line nine thereof; it being the purpose and intent of this Act to permit the State Highway Commission to hold a meeting in the City of Hickory by having the applicable clause in line nine read as follows: ". . . and one meeting in Hickory or in a town or city West of Hickory. . ."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

H. B. 348 **CHAPTER 218**

AN ACT TO REWRITE CHAPTER 9 OF THE GENERAL STATUTES, PROVIDE FOR A JURY COMMISSION IN EACH COUNTY, CHANGE THE METHOD OF PREPARING JURY LISTS, ELIMINATE CERTAIN EXEMPTIONS FOR JURY SERVICE, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 9 of the General Statutes is hereby rewritten to read as follows:

"CHAPTER 9. JURORS

Article 1. Jury Commissions, Preparation of Jury Lists, and Drawing of Panels.

Sec. 9-1. Jury Commission in Each County; Membership; Selection; Oath; Terms. Not later than October 1, 1967, there shall be appointed in each county a jury commission of three members. One member of the commission shall be appointed by the senior regular resident Superior Court Judge, one member by the Clerk of Superior Court, and one member by the board of county commissioners. The appointees shall be qualified voters of the county, and shall serve for terms of two years. Appointees may be reappointed to successive terms. A vacancy in the commission shall be filled in the same manner as the original appointment, for the unexpired term. Each commissioner shall take an oath or affirmation that, without favor or prejudice, he will honestly perform the duties of a member of the jury commission during his term of service. The compensation of commissioners shall be fixed by the board of county commissioners, and shall be paid from the general fund of the county. The Clerk of Superior Court shall furnish clerical assistance to the commission, as necessary.

Sec. 9-2. Preparation of Jury List; Sources of Names. It shall be the duty of the jury commission at least 30 days prior to January 1, 1968, and each biennium thereafter, to prepare a list of prospective jurors to serve in the ensuing biennium. In preparing the list, the jury commission shall use the tax lists of the county and voter registration records, and, in addition, may use any other source of names deemed by it to be reliable, but it shall exercise reasonable care to avoid duplication of names. The commission may use less than all of the names from any one source if it uses a systematic selection procedure (e.g., every second name), and provided the list contains approximately three times as many names as were drawn for jury duty in all courts in the county during the previous biennium.

Sec. 9-3. Qualifications of Prospective Jurors. All persons are qualified to serve as jurors and to be included on the jury list who are citizens of the State and residents of the county, who have not served as jurors during the preceding two years, who are twenty-one years of age or over, who are physically and mentally competent, who have not been convicted of a felony or pleaded nolo contendere to an indictment charging a felony, and who have not been adjudged non compos mentis. Persons not qualified under this Section are subject to challenge for cause.

Sec. 9-4. Preparation and Custody of List. As the jury list is prepared, the name and address of each person selected for the list shall be written on a separate card. The cards shall then be alphabetized and permanently numbered, the numbers running consecutively with a different number on each card. These cards shall constitute the jury list for the county. They shall be filed with the register of deeds of the county, together with a statement of the sources used and procedures followed in preparing the list. The list shall be kept under lock and key, but shall be available for public inspection during regular office hours.

Sec. 9-5. Procedure for Drawing Panel of Jurors; Numbers Drawn. The board of county commissioners in each county shall provide the Clerk of Superior Court with a jury box, the construction and dimensions of which shall be prescribed by the Administrative Officer of the Courts. At least 30 days prior to January 1 of any year for which a list of prospective jurors has been prepared, a number of discs, squares, counters or markers equal to the number of names on the jury list shall be placed in the jury box. The discs, squares, counters, or markers shall be uniform in size, weight, and appearance, and may be made of any suitable material. They shall be numbered consecutively to correspond with the numbers on the jury list. The jury box shall be of sufficient size to hold the discs, squares, counters or markers so that they may be easily shaken and mixed, and the box shall have a hinged lid through which the discs, squares, counters or markers can be drawn. The lid shall have a lock, the key to which shall be kept by the Clerk of Superior Court.

At least 30 days prior to any session or sessions of Superior or District Court requiring a jury, the Clerk of Superior Court or his assistant or deputy shall, in public, after thoroughly shaking the box, draw therefrom the number of discs, squares, counters, or markers equal to the number of jurors required for the session or sessions scheduled. For each week of a Superior Court session, the senior regular resident Superior Court Judge shall specify the number of jurors to be drawn. For each week of a District Court jury session, the chief District Judge shall specify the number of jurors to be drawn. Pooling of jurors between or among concurrent sessions of various courts is authorized, and when utilized, the senior regular resident Superior Court Judge, after consultation with the chief District Judge when a District Court jury is required, shall specify the total number of jurors to be drawn for such concurrent sessions. When grand jurors are needed, nine additional numbers shall be drawn.

As the discs, squares, counters, or markers are drawn, they shall be separately stored by the clerk until a new jury list is prepared.

The Clerk of Superior Court shall deliver the list of numbers drawn from the jury box to the register of deeds, who shall match the numbers received with the numbers on the jury list. The register of deeds shall within three days thereafter notify the sheriff to summon for jury duty the persons on the jury list whose numbers are thus matched. The persons so summoned may serve as jurors in either the Superior or the District Court, or both, for the week for which summoned. Jurors who serve each week shall be discharged at the close of the weekly session or sessions, unless actually engaged in the trial of a case, and then they shall not be discharged until their service in that case is completed.

Sec. 9-6. Jury Service a Public Duty; Excuses to be Allowed in Exceptional Cases; Procedure. (a) The General Assembly hereby declares the public policy of this State to be that jury service is the solemn obligation of all qualified citizens, and that excuses from the discharge of this responsibility should be granted only for reasons of compelling personal hardship or because requiring service would be contrary to the public welfare, health, or safety.

(b) Pursuant to the foregoing policy, the chief District Judge of each district shall promulgate procedures whereby he or any District Judge designated by him, prior to the date that a jury session (or sessions) of Superior or District Court convenes, shall receive, hear, and pass on applications for excuses from jury duty. Until the District Court has been established in a county, the senior regular resident Superior Court Judge of the district shall promulgate the procedures to carry out the policy set forth in this Section, and shall designate himself or another Superior Court Judge or Judges to hear and pass on applications. The procedure shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed.

(c) A prospective juror excused by a judge in the exercise of the discretion conferred by subsection (b) may be required by the judge to serve as a juror in a subsequent session of court.

(d) A judge hearing applications for excuses from jury duty shall excuse any person disqualified under Section 9-3.

(e) The judge shall inform the Clerk of Superior Court of persons excused under this Section, and the clerk shall so notify the register of deeds, who shall note the excuse on the juror's card and file it separately from the jury list.

(f) The discretionary authority of a presiding judge to excuse a juror at the beginning of or during a session of court is not affected by this Section.

Sec. 9-7. Removal of Names of Jurors Who Have Served From Jury List; Retention. As persons are summoned for jury service, the cards upon which their names appear shall be withdrawn from the jury list and filed separately. The dates for which each juror serves shall be noted on his card.

All cards removed from the jury list because of service, or having been excused from service, or because of disqualification, shall be retained for reference in compiling the next jury list. When the succeeding list has been prepared, the list of persons who have served shall be retained for a period of two years.

Sec. 9-8. Fees of Jurors. All jurors in the Superior Court shall receive such compensation as the board of county commissioners shall fix, not less than three dollars ($3.00) and not more than eight dollars ($8.00) per day; provided, that the board of county commissioners may establish different rates of compensation for different classes of Superior Court jurors within the limitations set out above. A board of county commissioners may fix the compensation of jurors to pass upon the competency of any person, under the provisions of Chapter 35, Article 2, of the General

Statutes, at not less than one dollar ($1.00) per day and not more than six dollars ($6.00) per day.

In addition to the compensation provided for above, all jurors shall receive a travel allowance of five cents (5¢) per mile for travel to the seat of court and return home, the distance to be computed by the usual route of public travel; provided, that this allowance shall be paid once per calendar week for each calendar week in which attendance is required.

This Section shall cease to be effective in each county on the date that a District Court is established therein, and thereupon G. S. 7A-312 shall govern the compensation of jurors. Until that time all local modifications of the general law as to jury fees shall remain in effect. This Section is repealed effective January 1, 1971.

Sec. 9-9. Jury Lists During Period July 1, 1967 to December 31, 1967. During the period July 1, 1967, to December 31, 1967, a county may, if practicable, continue to use the jury list prepared for the biennium ending June 30, 1967. If it is not practicable to use such jury list, a jury list for this six-months period shall be prepared and used in accordance with the laws in effect prior to the ratification of this Act. This Section is repealed effective January 1, 1968.

Article 2. Petit Jurors

Sec. 9-10. Summons to Jurors. The register of deeds shall, within three days after the receipt of numbers drawn, deliver the list of prospective jurors to the sheriff of the county, who shall summon the persons named therein. The summons shall be served personally, or by leaving a copy thereof at the place of residence of the juror, or by telephone or first class mail, at least 15 days before the session of court for which the juror is summoned. Service by telephone, or by first class mail if mailed to the correct current address of the juror on or before the fifteenth day before the day the court convenes, shall be valid and binding on the person served, and he shall be bound to appear in the same manner as if personally served. The summons shall contain information as to the time, place, and authority before whom applications for excuses from jury service may be heard.

Sec. 9-11. Supplemental Jurors; Special Venire. (a) If necessary, the court may, without using the jury list, order the sheriff to summon from day to day additional jurors to supplement the original venire. Jurors so summoned shall have the same qualifications and be subject to the same challenges as jurors selected for the regular jury list. If the presiding judge finds that service of summons by the sheriff is not suitable because of his direct or indirect interest in the action to be tried, the judge may appoint some suitable person in place of the sheriff to summon supplemental jurors.

(b) The presiding judge may, in his discretion, at any time before or during a session direct that supplemental jurors or a special venire be selected from the jury list in the same manner as is provided for the selection of regular jurors. Jurors summoned under this subsection may be discharged by the court at any time during the session and are subject to the same challenges as regular jurors, and to no other challenges.

Sec. 9-12. Supplemental Jurors From Other Counties. (a) On motion of any party or the State, or on his own motion, any Judge of the Superior Court, if he is of the opinion that it is necessary in order to provide a fair trial in any case, and regardless of whether he will preside over the trial of that case, may order as many jurors as he deems necessary to be summoned from any county or counties in the same judicial district as the county of trial or in any adjoining judicial district. These jurors shall be selected and shall serve in the manner provided for selection and service of supplemental jurors selected from the jury list. These jurors shall be subject to the same challenges as other jurors, except challenges for non-residence in the county of trial.

(b) Transportation may be furnished in lieu of mileage.

(c) The county of trial shall pay jurors summoned under this Section at the rate provided by law for the county from which they are summoned. When a District Court is established in the county of trial, the jurors shall be compensated by the State as provided in G. S. 7A-312.

Sec. 9-13. Penalty for Disobeying Summons. Every person summoned to appear as a juror who has not been excused, and who fails to appear and attend until duly discharged, shall be subject to a fine of not more than fifty dollars ($50.00), to be imposed by the court, unless he renders an excuse deemed sufficient. The forfeiture so imposed if not paid forthwith shall be entered as a judgment against the defaulting juror, and the Clerk of Superior Court shall issue an execution against his estate.

Sec. 9-14. Jury Sworn; Judge Decides Competency. The clerk shall, at the beginning of court, swear all jurors who have not been selected as grand jurors. Each juror shall swear or affirm that he will truthfully and without prejudice or partiality try all issues in criminal or civil actions that come before him and render true verdicts according to the evidence. Nothing herein shall be construed to disallow the usual challenges in law to the whole jury so sworn or to any juror; and if by reason of such challenge any juror is withdrawn from a jury being selected to try a case, his place on that jury shall be taken by another qualified juror. The presiding judge shall decide all questions as to the competency of jurors.

Sec. 9-15. Questioning Jurors Without Challenge; Challenges for Cause. (a) The court, or any party to an action, civil or criminal, shall be allowed, in selecting the jury, to make inquiry as to the fitness and competency of any person to serve as a juror, without having such inquiry treated as a challenge of such person, and it shall not be considered by the court that any person is challenged as a juror until the party shall formally state that such person is so challenged.

(b) It shall not be a valid cause for challenge that any juror, regular or supplemental, is not a freeholder or has not paid the taxes assessed against him.

(c) If any juror has a suit pending and at issue in the court in which he is serving, he may be challenged for cause, and he shall be withdrawn from the trial panel, and may be withdrawn from the venire in the discretion of the presiding judge.

Sec. 9-16. Exemption From Civil Arrest. No sheriff or other officer shall arrest under civil process any juror during his attendance at or going to and returning from any session of the Superior or District Court.

Any such arrest shall be invalid, and the defendant on motion shall be discharged.

Sec. 9-17. Jurors Impaneled to Try Case Furnished With Accommodations; Separation of Jurors. A jury, impaneled to try any cause, shall be put in charge of an officer of the court and shall be furnished with such accommodations as the court may order, and the accommodations shall be paid for by the parties or by the State, as ordered by the presiding judge.

The presiding judge, in his discretion, may direct any jury to be sequestered while it has a case or issue under consideration.

Sec. 9-18. Alternate Jurors. Whenever the presiding judge deems it appropriate, one or more alternate jurors may be selected in the same manner as the regular trial panel of jurors in the case, but after the regular jury has been duly impaneled. Each party shall be entitled to two peremptory challenges as to each such alternate juror, in addition to any unexpended challenges the party may have left after the selection of the regular trial panel. Alternate jurors shall be sworn and seated near the jury with equal opportunity to see and hear the proceedings and shall attend the trial at all times with the jury and shall obey all orders and admonitions of the court to the jury. When the jurors are ordered kept together in any case, the alternate jurors shall be kept with them. An alternate juror shall receive the same compensation as other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the case to the jury. If before that time any juror dies, becomes incapacitated or disqualified, or is discharged for any reason, an alternate juror shall become a part of the jury and serve in all respects as those selected on the regular trial panel. If more than one alternate juror has been selected, they shall be available to become a part of the jury in the order in which they were selected.

Article 3. Peremptory Challenges

Sec. 9-19. Peremptory Challenges in Civil Cases. The clerk, before a jury is impaneled to try the issues in any civil suit, shall read over the names of the prospective jurors in the presence and hearing of the parties or their counsel; and the parties, or their counsel for them, may challenge peremptorily eight jurors without showing any cause therefor, and the challenges shall be allowed by the court.

Sec. 9-20. Several Defendants; Challenges Apportioned; Discretion of Judge; Civil Cases. When there are two or more defendants in a civil action, the presiding judge, if it appears that there are antagonistic interests between the defendants, may in his discretion apportion among the defendants the challenges now allowed by law, or he may increase the number of challenges to not exceeding six for each defendant or class of defendants representing the same interest. In either event, the same number of challenges shall be allowed each defendant or class of defendants representing the same interest. The decision of the judge as to the nature of the interests and number of challenges shall be final.

Sec. 9-21. Peremptory Challenges in Criminal Cases. (a) In all capital cases each defendant may challenge peremptorily without cause 14 jurors and no more. In all other criminal cases each defendant may challenge peremptorily six jurors without cause and no more. To enable defendants

to exercise this right, the clerk shall read over the names of the jurors on the panel, in the presence and hearing of the defendants and their counsel, before the jury is impaneled.

(b) In all capital cases the State may challenge peremptorily without cause six jurors and no more. In all other criminal cases the State may challenge peremptorily without cause four jurors and no more. The State's challenge, peremptory or for cause, must be made before the juror is tendered to the defendant. The State does not have the right to stand any jurors at the foot of the panel.

Article 4. Grand Jurors

Sec. 9-22. How Grand Jury Drawn. (a) At the first jury session of Superior Court for the trial of criminal cases in each county after January 1, 1968, the presiding judge shall direct the names of all persons returned as jurors to be written on scrolls of paper and put into a box or hat. The clerk of court or his assistant or deputy shall draw out the names of 18 persons who shall serve as grand jurors. Of these 18, the first nine drawn shall serve for a period of six months and until their replacements are selected and sworn, and the next nine for a period of 12 months and until their replacements are selected and sworn. Thereafter, beginning with the first criminal session of Superior Court after July 1, 1968, and continuing with the first criminal session of Superior Court after January 1 and July 1 of each year, nine new grand jurors shall be selected in the manner provided above to replace the jurors whose terms have expired. All new grand jurors so selected shall serve for a period of 12 months, and until their replacements are selected and sworn. In the event of a vacancy occurring in the membership of the grand jury, the Superior Court Judge holding the next criminal session in the county shall order a new juror drawn in the manner provided above to fill the vacancy.

(b) The presiding judge at any criminal session of Superior Court may at any time order the grand jury to be assembled for the purpose of hearing his charge. The presiding judge at any criminal session of Superior Court may at any time discharge the grand jury and order a new grand jury to be selected and qualified, as provided in this Section. The first nine new grand jurors selected shall serve out the terms of the former grand jurors with six months or less to serve, and the next nine selected shall serve out the terms of those with more than six months to serve.

Sec. 9-23. Exceptions to Qualifications of Grand Jurors. All exceptions to grand jurors on account of their disqualifications shall be taken before the petit jury is sworn and impaneled to try the issue, by motion to quash the indictment, and if not taken at that time shall be deemed to be waived. But no indictment shall be quashed, nor shall judgment thereon be arrested, because any member of the grand jury finding such bills of indictment had not paid his taxes or was a party to any suit pending and at issue.

Sec. 9-24. Judge to Appoint Foreman; Acting Foreman. The foreman of the grand jury shall be appointed by the presiding Judge of a Superior Court session in which grand jurors are chosen. The foreman shall serve for a term of six months, and until his successor has been appointed and qualified, and he may be reappointed for a second term. He shall be sworn

according to law. In the absence of the foreman, or if the foreman is unable to serve, the presiding judge shall appoint an acting foreman, who shall have all the powers of the foreman.

Sec. 9-25. Foreman May Administer Oaths to Witnesses. The foreman of every grand jury duly sworn and impaneled in any of the courts has power to administer oaths and affirmations to persons to be examined before it as witnesses. The foreman shall mark on the bill the names of the witnesses sworn and examined before the jury.

Sec. 9-26. Grand Jury to Visit County Home and Jail. Every grand jury, while the court is in session, shall inspect the county home for the aged and infirm, the workhouse, if there is one, and the jail, and report to the court the condition of the facilities and of the inmates and prisoners confined therein, and also the manner in which the jailer or superintendent has discharged his duties.

It is not necessary for any grand jury in any county to make any inspections or submit any reports with respect to any county offices or agencies other than those required by this Section, nor for any Judge of the Superior Court to charge the grand jury with respect thereto."

Sec. 2. G. S. 11-11 is amended by deleting the oaths for jurors in capital cases, jurors in criminal actions not capital, and jurors in civil actions, and inserting in lieu thereof the following oath:

"Oath for Petit Juror

You do solemnly swear (affirm) that you will truthfully and without prejudice or partiality try all issues in civil or criminal actions that come before you and give true verdicts according to the evidence, so help you, God."

Sec. 3. G. S. 127-84 is amended by changing the comma after the word "membership" in the last sentence to a period, and deleting the words "which certificate shall exempt the holder from jury duty".

Sec. 4. G. S. 1-86, 15-163, 15-164, 15-165, 33-50, 33-51, 90-45, 90-150, the last sentence of G. S. 134-66, and all other laws and clauses of laws in conflict with this Act, are hereby repealed.

Sec. 5. Partial Invalidity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. Except as otherwise provided in this Act, this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

H. B. 370 CHAPTER 219

AN ACT TO AMEND G. S. 153-9(43), RELATING TO TAX LEVIES FOR CERTAIN PURPOSES, SO AS TO MAKE IT APPLICABLE TO DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(43), as the same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina is amended by inserting after the comma, following the word "Currituck", and before the word "Edgecombe", in line 23 of said Section, the word "Duplin".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

H. B. 408 CHAPTER 220

AN ACT TO AMEND CHAPTER 1291, SESSION LAWS OF NORTH CAROLINA, 1957, BEING THE CHARTER OF THE TOWN OF EMERALD ISLE RELATING TO THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1291 of the Session Laws of North Carolina, 1957, is hereby amended by striking out all of Section 2 as the same appears therein and substituting in lieu thereof the following:

"Sec. 2. Corporate Limits. The corporate limits and boundaries of the Town of Emerald Isle in Carteret County shall be as follows: Beginning at a concrete marker at the high water mark of the Atlantic Ocean, this being the southwest corner of Wica Chemical Company property (formerly being the Roosevelt Estate southwest corner), this point also being located South 71 degrees 35 minutes West 7255.0 feet from the church spire at Salter Path Village, located North of the Salter Path Road; thence running with the Wica Chemical Company West property line North 03 degrees 35 minutes West 452.80 feet to a concrete monument marked 'A. H. (Alice Hoffman) Land'; thence continuing same course 203.7 feet to a concrete monument at the high water mark of Bogue Sound (Wica Chemical Company northwest corner); thence continuing North 03 degrees 35 minutes West 1350 feet to a point in Bogue Sound; thence in a westerly direction approximately 43,260 feet parallel to and 1320 feet from the water line of Bogue Sound to a line drawn in Bogue Sound which is the extension of the line dividing Block 38 and 39 as shown on the 'Map of Emerald Isle by the Sea' drawn by William Ragsdale, dated July 1954 and recorded in Map Book 3 at Pages 34 through 45 in the Carteret County Register of Deeds Office; thence southerly along said line as extended to a point where said line dividing Block 38 and 39 as heretofore described meets the high water line of the Atlantic Ocean; thence due South 2640 feet to a point in the Atlantic Ocean; thence in an easterly direction approximately 43,190 feet parallel to and 2640 feet from the high water line of the Atlantic Ocean to a point which is 2640 feet South 03 degrees 35

minutes East from the concrete monument which is heretofore described as the point of the beginning; thence continuing North 03 degrees 35 minutes West 2640 feet to the point of the beginning. All the above courses are based on true meridian."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

H. B. 576 CHAPTER 221

AN ACT AUTHORIZING THE ASHEBORO CITY BOARD OF EDUCATION TO CONVEY CERTAIN REAL PROPERTY TO THE RANDOLPH TECHNICAL INSTITUTE.

WHEREAS, the real property hereinafter described was conveyed to the Asheboro City Board of Education by the County of Randolph by deed dated January 11, 1963, which deed is duly recorded in Book 851 at Page 535, Randolph County Public Registry; and

WHEREAS, from and since that date the Asheboro City Board of Education has owned said real property; and

WHEREAS, since the fall of 1962 there has been operated on said tract of real property the Randolph Industrial Educational Center to and including the 2nd day of October, 1965 when said institution became known as the Randolph Technical Institute and its administration passed into the hands of the Board of Trustees of the Randolph Technical Institute; and

WHEREAS, from and after July 1, 1963 the administration and operation of community colleges, technical institutes and industrial educational centers passed from local boards of education into the State Board of Education; and

WHEREAS, the Asheboro City Board of Education wishes to transfer, without consideration, title to the real property described below to the Board of Trustees of the Randolph Technical Institute, subject however to the provision that if a technical institute or industrial educational center, as defined in North Carolina General Statute 115A, ceases to operate on said land, title to the real property described below shall revert to the Asheboro City Board of Education, or its successors: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Asheboro City Board of Education is authorized and empowered to convey, without consideration, to the Board of Trustees of the Randolph Technical Institute, or its successors, a body corporate, that certain tract or parcel of land, or any part thereof, situated in Asheboro Township, Asheboro, Randolph County, North Carolina, same being more particularly described as follows:

BEGINNING at an iron stake in the southern edge of Industrial Park Avenue, the same being the northeast corner of Lot No. 52; running thence due South 883.82 feet along the eastern edge of Lot No. 52 to an iron stake, the southeast corner of Lot No. 52 in the J. E. McDowell line;

thence North 85 degrees 05 minutes West along McDowell line about 1643.42 feet to the center line of the North-South Bypass of Highway No. 220; thence in a northeastern direction along the center line of said U. S. 220 Bypass about 825 feet to a point in the southern edge of Industrial Park Avenue; thence due East along the southern edge of Industrial Park Avenue about 1325 feet to an iron stake, the point and place of beginning, and being Lots Nos. 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and a portion of Lots Nos. 36, 37, 38 and 39 of Randolph County property as shown on a plat duly recorded in the office of the Register of Deeds for Randolph County in Plat Book 10, Page 22, and being subject to all rights of way heretofore granted to the State Highway Commission for purpose of constructing U. S. 220 Bypass and service roads immediately adjoining said property; subject also to proposed right of way for railroad construction along the northern edge of said property. But this land is conveyed subject to certain restrictions as to the use thereof running with said land by whomsoever owned, said restrictions which are expressly assented to by the party of the second part in accepting this deed being as follows:

1. This property shall be used for industrial purposes only.

2. No building shall be erected or allowed to remain on said land:

(a) Within 10 feet of the street abutting the front of said land;

(b) Within 10 feet of the street if such there be abutting the side of said lot; and

(c) Within 10 feet of any boundary line of said lot.

Sec. 2. Provided, that if the Board of Trustees of Randolph Technical Institute, or its successors, shall cease to operate a technical or industrial education center, as defined in North Carolina General Statute 115A, on said tract or parcel of land, title to said real property so transferred to the Board of Trustees of the Randolph Technical Institute, or its successors, shall revert to the Asheboro City Board of Education, or its successors, and said Board of Trustees of the Randolph Technical, or its successors, shall thereupon, by proper instrument convey the same to the Asheboro City Board of Education, or its successors.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

S. B. 2

CHAPTER 222

AN ACT TO AMEND ARTICLE 3, CHAPTER 18, OF THE GENERAL STATUTES, SO AS TO PERMIT THE TRANSPORTATION, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR PERSONAL USE.

The General Assembly of North Carolina do enact:

Section 1. Section 51 of Chapter 18 of the General Statutes of North Carolina is hereby rewritten in its entirety to read as follows:

"G. S. 18-51. Possession and Consumption of Alcoholic Beverages at Designated Places. Notwithstanding any other provisions of Chapter 18 of the General Statutes of North Carolina, it shall be lawful in any county or municipality of this State for any person, who is at least twenty-one years of age, to possess, for lawful purposes, alcoholic beverages, as defined in G. S. 18-60, in quantities not in excess of one gallon, unless otherwise authorized, provided that said alcoholic beverages are obtained from an authorized alcoholic beverage control store within this State, or from a lawful source outside this State, and provided that said alcoholic beverages are possessed for a purpose other than for sale or barter, and provided that said alcoholic beverages are purchased, possessed, and consumed in accordance with this and other applicable Sections of Chapter 18, and including the following:

(1) Transportation. A person may transport, not for sale or barter, not more than one gallon of alcoholic beverages to and from any place where the beverage may be lawfully possessed or consumed; but if the cap or seal on the container or containers has been opened or broken, it shall be unlawful to transport the same in the passenger area of any motor vehicle.

(2) Residence and Related Places. A person may possess and consume said alcoholic beverages in his private residence, or in any private residence of another where permission has been given, or in any hotel or motel room which said person has rented or to which he is invited, or at any place of secondary residence similarly used, where permitted by the owner. A person may also possess and consume said alcoholic beverages, but not in view of the general public, on any other private property not primarily engaged in commercial entertainment and not open to the general public at the time, when such person, association or corporation has obtained the express permission of the owner or person lawfully in possession of said property, and when said alcoholic beverages are consumed by said person, his family, or his bona fide guests, or bona fide guests of the association or corporation; provided, however, this sentence shall not be construed to permit or in any way or manner authorize the possession or consumption of alcoholic beverages on premises for which a permit is required pursuant to subsections (3), (4), or (5) of G. S. 18-51.

(3) Social Establishments. Any person, association, or corporation may furnish facilities, located on its premises, which facilities shall not be open to the general public, for the storage of alcoholic beverages for its bona fide members, in quantities not in excess of one gallon for each member, unless otherwise authorized, and for consumption by its members and their guests, but subject to the following conditions:

(a) The establishment is organized and operated solely for purposes of a social, recreational, patriotic, or fraternal nature; and

(b) It has a valid permit from the State Board of Alcoholic Control for this purpose; and

(c) The alcoholic beverages shall be stored in individual lockers and the name of the beverage owner shall be clearly displayed on both the locker and the bottle or bottles; and

(d) Any alcoholic beverages stored in any locker shall be for the exclusive use of the member and his guests, and shall not be sold or distributed to any other person.

(4) Special Occasions. Alcoholic beverages in quantities in excess of one gallon may be possessed by a person on a special occasion, subject to the rules and regulations adopted by the State Board of Alcoholic Control, not for sale or barter, for the use and consumption of himself and his guests, when he meets one or more of the following requirements:

(a) He is using his personal residence or premises under his exclusive control, or

(b) He is using a facility, as a member, as defined in subsection (3) of this Section, and said facility has a valid permit from the State Board of Alcoholic Control for this purpose; or

(c) He is using a commercial establishment or any part thereof for a private meeting or party limited in attendance to members or guests of a particular person, group, association, or organization, and said commercial establishment has obtained a permit from the State Board of Alcoholic Control for this purpose.

(5) Restaurants and Related Places. It shall be unlawful for any person to possess or consume any alcoholic beverages of any and all kinds, other than fortified or sweet wines, which contain more than fourteen per cent (14%) of alcohol by volume, on the premises of any business establishment which is not permitted under subsections (2), (3), or (4), of this Section, unless said establishment meets the following requirements:

(a) The premises have an inside dining area with a seating capacity of at least 36 persons, and a separate kitchen facility; and

(b) The business is engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging; and provided further, the State Board of Alcoholic Control shall have broad power to examine the type and nature of the business, and the combination and location of separate or affiliated businesses at the same location to determine if the establishment is a bona fide restaurant-type facility; and

(c) The business has a valid permit from the State Board of Alcoholic Control for this purpose, including the requirement that the business post the type of notices required by said Board.

(6) Unlawful Possession or Use. It shall be unlawful for:

(a) Any person to drink alcoholic beverages or to offer a drink to another person,

(i) on the premises of a county or municipal liquor control store, or

(ii) upon any premises used or occupied by a county or municipal alcoholic control board, or

(iii) on any public road, street or highway.

(b) Any person to be or become intoxicated in any public place.

(c) Any person to make any public display of alcoholic beverages at any athletic contest.

(d) Any person to possess or consume any alcoholic beverages upon any of the premises designated under subsections (3), (4), or (5) of this Section, unless there is conspicuously displayed a valid permit or notice on said premises from the State Board of Alcoholic Control, as required therein.

(e) Any person, association, or corporation to permit any alcoholic beverages to be possessed or consumed upon any premises not authorized pursuant to Chapter 18, North Carolina General Statutes.

(f) Any person to possess or consume any alcoholic beverages upon any premises where not authorized by law, or where said person has been forbidden to possess or consume alcoholic beverages by the owner, operator or person in charge of said premises.

(g) Any person, firm or corporation to refuse to surrender any permit or notice upon request of the State Board of Alcoholic Control, or to falsely display any such notice, or to display any notice not permitted by the State Board of Alcoholic Control, or to obtain any facsimile permit or notice from any person.

(7) Permits. Any person, association or corporation making application for a permit under subsections (3), (4)(b), 4(c), or (5), of this Section shall file said application and appropriate fee with the State Board of Alcoholic Control, and said Board shall have the exclusive authority, not inconsistent herewith, in issuing any permit, or in renewing, suspending or revoking any temporary or annual permit, pursuant to the specific authority of G. S. 18-51, and each subsection thereof, and pursuant to the other provisions of Chapter 18, North Carolina General Statutes. The additional provisions relating to said permits are as follows:

(a) Said Board may issue temporary permits where application in proper form has been received, with applicable fees, which shall be valid for 90 days, unless sooner suspended or revoked. No applicant or permittee shall be entitled to any hearing with reference to the issuance, suspension or revocation of any temporary permit.

(b) Any temporary or annual permit shall be suspended or revoked by said Board, upon the suspension or revocation of any other permit or license by the State Board of Alcoholic Control, pursuant to any other Section of Chapter 18, North Carolina General Statutes.

(c) All annual permits issued under this Section shall be valid until May 1, 1968, unless sooner suspended or revoked, and thereafter all annual permits shall be valid for one year, renewable on May 1, 1968 and annually thereafter, unless sooner suspended or revoked.

(d) Any person, association or corporation shall promptly surrender any permit issued hereunder upon request of said Board.

(e) Before exercising any privilege granted hereunder, and immediately upon the receipt of any temporary or annual permit, said person, association, or corporation receiving the same, shall keep conspicuously displayed said permit, and in addition, shall post a notice or notices, approved by said Board, designating the type of permit that is applicable to the premises. The Board shall approve and designate the type of signs, notices, and exhibits that may be displayed or used on any premises.

(f) All permits shall be the property of the State Board of Alcoholic Control, and no permit shall be transferable, and upon the termination of any business, or upon a change of ownership or control, all permits issued hereunder shall be immediately surrendered to said Board.

(g) All permits shall be issued for a designated location, and may not be transferred to any other location; a separate permit being required for each separate location of any business.

(h) Said Board shall not refuse the issuance of any permit to any person, firm or corporation who shall comply with the provisions of this Article, and the issuance of a permit shall not be arbitrary in any case, but issuance of a permit shall be mandatory to any person, firm or corporation complying with the provisions of Chapter 18, North Carolina General Statutes.

(8) Fees. Applications for permits shall be accompanied by appropriate fees, payable to the State Board of Alcoholic Control, which shall not be refundable in case a permit is refused, suspended or revoked. No additional fees or licenses shall be collected by any county or municipality under this Section, and the fees received by the State Board of Alcoholic Control shall be deposited with the State Treasurer of North Carolina, as in the case of any other permit fees collected by said Board. No additional charge shall be imposed for any temporary permit, and the schedule of fees for the original permit is as follows:

(a) Two hundred dollars ($200.00) for a social establishment as defined in subsection (3).

(b) Two hundred dollars ($200.00) for a commercial establishment as defined in subsection (4)(c).

(c) One hundred dollars ($100.00) for a restaurant as defined in subsection (5) having less than 50 seating capacity.

(d) Two hundred dollars ($200.00) for a restaurant as defined in subsection (5) having 50 or more seating capacity.

(e) Three hundred dollars ($300.00) for any establishment which obtains licenses under two or more of the foregoing schedules for the same premises.

(f) The annual renewal fees for such permits shall be twenty-five per cent (25%) of the original permit as herein set forth.

(9) Penalty. Violation of any provision of this Section shall constitute a misdemeanor, and shall be punishable by fine, or imprisonment, or both, in the discretion of the Court."

Sec. 2. Section 39 of Chapter 18 of the General Statutes of North Carolina is hereby amended by adding a new subsection at the end of subsection (14) to read as follows:

"(15) To promulgate rules and regulations for the control and use of alcoholic beverages pursuant to the provisions of G. S. 18-51, and each subsection thereof, to the end that said Section be strictly construed to control the dispensation of alcoholic beverages in the exercise of the police power of this State; to establish forms and procedures for receiving applications and granting permits, and for suspension and revocation, hearing and reviews, with respect to any person, association or corporation that seeks, obtains or holds a permit for any purpose authorized by G. S. 18-51, and each subsection thereof; to apply to this Article of Chapter 18, the Statutes, rules and regulations provided for under Article 4, Chapter 18, of the General Statutes of North Carolina, insofar as they are applicable; to issue, renew, suspend or revoke any temporary or annual permit required pursuant to the provisions of G. S. 18-51, and each subsection thereof; and from time to time to adopt, amend or repeal reasonable rules and regulations for the purpose of carrying out the provisions of this Article, but not inconsistent herewith, which rules and regulations shall

become effective on the tenth day after adoption and the filing of a certified copy thereof in the office of the Secretary of State."

Sec. 3. Section 90.1 of Chapter 18 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"G. S. 18-90.1. Sale to or Purchase by Minors. It shall be unlawful for:

(1) Any person, firm or corporation knowingly to sell or give any of the products described in G. S. 18-64 to any minor under 18 years of age.

(2) Any minor under 18 years of age to purchase or possess, or for anyone to aid or abet such minor in purchasing any of the products described in G. S. 18-64.

(3) Any person, firm or corporation knowingly to sell or give any of the products described in G. S. 18-60 to any minor under 21 years of age.

(4) Any minor under 21 years of age to purchase or possess, or for anyone to aid or abet such minor in purchasing any of the products described in G. S. 18-60."

Sec. 4. Section 11 of Chapter 18 of the General Statutes of North Carolina is hereby amended by adding a new sentence at the end of the present Section, as follows:

"It shall not be unlawful to possess liquor at such other places as are authorized by other provisions of Chapter 18, North Carolina General Statutes."

Sec. 5. Section 15 of Chapter 18 of the General Statutes of North Carolina is hereby amended by changing the "." at the end of said Section to a ";" and adding the following:

"provided, however, this Section shall not prohibit the storage of any form of intoxicating liquor that is specifically authorized or permitted by Article 3, the Alcoholic Beverage Control Act of 1937, as amended."

Sec. 6. Subsection (2) of Section 32 of Chapter 18 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"(2) The possession of more than one gallon of spirituous liquors at any one time, whether in one or more places; provided, however, it shall not be unlawful to possess spirituous liquors where specifically authorized or permitted by Article 3, the Alcoholic Beverage Control Act of 1937, as amended; or".

Sec. 7. Section 49 of Chapter 18 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"G. S. 18-49. Transportation, Not in Excess of One Gallon, Authorized; Transportation in Course of Delivery to Stores. It shall not be unlawful for any person to transport a quantity of alcoholic beverages not in excess of one gallon from a county in North Carolina coming under the provisions of this Article to or through another county in North Carolina not coming under the provisions of this Article: Provided, said alcoholic beverages are not being transported for the purpose of sale, and provided further that the container or containers of said alcoholic beverages are maintained within any vehicle as regulated and provided for in this Article. Nothing contained in this Article shall be construed to prevent the transportation through any county not coming under the provisions of this Article, of alcoholic beverages in actual course of delivery to any alcoholic beverage

control board established in any county coming under the provisions of this Article."

Sec. 8. Section 58 of Chapter 18 of the General Statutes of North Carolina is hereby rewritten to read as follows:

"G. S. 18-58. Transportation into State; and Purchase, Other Than From Stores, Prohibited. It shall be unlawful for any person, firm, or corporation, to purchase in or to bring into this State, any alcoholic beverage from any source, except from a control store operated in accordance with this Article, except a person may purchase legally outside of this State and bring into the same for his own personal use not more than one gallon of alcoholic beverage; Provided, that the container or containers of said alcoholic beverages are maintained within any vehicle as regulated and provided for in this Article. A violation of this Section shall constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court."

Sec. 9. There is hereby established a new Section, immediately following Section 51 of Chapter 18 of the General Statutes of North Carolina, to read as follows:

"G. S. 18-51.1. Exceptions. Notwithstanding the provisions of G. S. 18-51, the following provisions shall be applicable:

(1) Exemption From Fees. No fee shall be charged by the State Board of Alcoholic Control for any permit issued under subsection (7) of G. S. 18-51 to any county or municipality, for any premises operated by said county or municipality.

(2) Local Laws. Nothing in this Article shall operate to repeal any of the local Acts of the General Assembly of North Carolina prohibiting the possession or consumption of alcoholic beverages within any county, municipality, or portion thereof, and all such local Acts shall continue in full force and effect and in concurrence herewith, until repealed or modified.

(3) Exemption of Counties. Until at least one county or municipal alcoholic beverage control store has been lawfully established within any county, no permit shall be issued by the State Board of Alcoholic Control for the purposes defined in subsection (5) of G. S. 18-51 to any person, association or corporation for premises located in said county.

Sec. 10. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1967.

S. B. 3

CHAPTER 223

AN ACT TO PROVIDE A LIMITED FORM OF CONTINUING CONTRACT FOR PRINCIPALS AND TEACHERS IN THE PUBLIC SCHOOL SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 115-142 of Volume 3A (Replacement 1960) of the General Statutes of North Carolina by rewriting said Section so that the same shall hereafter read as follows:

"Sec. 115-142. Contracts with Teachers, Principals, and Other Professional Employees; Termination of Contracts; Continuing Contracts; Notice. (a) Any person other than the superintendent desiring election as a teacher, principal, or other professional employee in a county or city school administrative unit shall file his or her application in writing with the county or city superintendent of such unit on such forms and in such manner as the superintendent and board of education may prescribe. A professional employee is defined as a person holding a position for which the State Board of Education has established certification requirements. It shall be the duty of all county and city boards of education to cause written contracts on forms to be furnished by the State Superintendent of Public Instruction to be executed by all teachers, principals, and other professional employees before any salary vouchers shall be paid. The contracts shall be executed in duplicate, with one copy being retained by the superintendent and the other copy being retained by the employee, and no person shall be considered an employee unless he holds a properly executed contract. Proposed contracts tendered prospective employees must be executed and returned to the superintendent within 15 calendar days after date of delivery to the individual or to the post office or otherwise they shall be considered rejected. No county or city board of education shall enter into a contract for the employment of more personnel than are allotted to that particular administrative unit by the State Board of Education unless provision has been made for the payment of the salaries of such personnel from local funds. All contracts shall be subject to the allotment of personnel by the State Board of Education and subject further to the condition that when the position for which the employee is employed is terminated the contract is likewise terminated.

"(b) All contracts now or hereafter entered into between a county or city board of education and a teacher, principal, or other professional employee shall continue from year to year unless terminated as hereinafter set forth. When it shall have been determined by a county or city board of education that an employee is not to be retained for the next succeeding school year it shall be the duty of the county or city superintendent to notify the employee, by registered letter deposited in mails addressed to last known address or business address of employee prior to the close of the school year, of the termination of his contract. When it shall have been determined that the services of an employee are not acceptable for the remainder of a current school year, and that the employee should be dismissed and relieved of his position immediately, the provisions and procedures of G. S. 115-67 and G. S. 115-145 shall be applicable."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect with the issuance of contracts for the 1967-1968 school term.

In the General Assembly read three times and ratified, this the 24th day of April, 1967.

S. B. 287

CHAPTER 224

AN ACT TO AMEND CHAPTER 616, SESSION LAWS OF 1957, RELATING TO FEES FOR THE CLERK OF THE SUPERIOR COURT AND THE CLERK OF THE RECORDER'S COURT OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 616, Session Laws of 1957, is hereby amended by adding at the end thereof the following:

"Warrants of arrest in criminal and bastardy cases including affidavits or complaints, two dollars ($2.00).

Warrants of commitments, one dollar ($1.00).

Taking of bond or recognizance, one dollar ($1.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1967.

H. B. 425

CHAPTER 225

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PEMBROKE, IN ROBESON COUNTY, CHAPTER 410, SESSION LAWS OF 1945, SO AS TO AUTHORIZE THE TOWN COMMISSIONERS TO FIX THE SALARY OF THE MAYOR.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 410, Session Laws of 1945, is hereby amended by adding at the end thereof a new paragraph to read as follows:

"The Board of Town Commissioners is hereby authorized, in its discretion, to establish and increase the annual salary of the Mayor by ordinance, provided, that such salary shall not exceed one hundred dollars ($100.00) per month."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1967.

H. B. 426 **CHAPTER 226**

AN ACT TO AMEND CHAPTER 99, PRIVATE LAWS OF 1911, THE SAME BEING THE CHARTER OF THE TOWN OF LUMBER BRIDGE, SO AS TO PROVIDE FOR BIENNIAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 99, Private Laws of 1911, is hereby rewritten to read as follows:

"Sec. 6. The municipal election for the Town of Lumber Bridge shall be held on the first Monday in May of 1967, and biennially thereafter, and the mayor and members of the governing body of the Town of Lumber Bridge elected in 1967, and biennially thereafter, shall serve for a term of two years and until their successors are elected and qualified. The municipal elections shall be held under the same laws, rules and regulations as provided for municipal elections in Article 3, Chapter 160, of the General Statutes, except as otherwise provided in the Charter."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1967.

S. B. 178 **CHAPTER 227**

AN ACT TO AMEND G. S. 153-9(43) SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ONSLOW COUNTY TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE SALARIES AND OTHER EXPENSES OF THE OFFICES OF COUNTY ACCOUNTANT, FARM DEMONSTRATION AGENT, HOME DEMONSTRATION AGENT AND VETERANS SERVICE OFFICER.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of G. S. 153-9(43), as it appears in the 1965 Supplement of the General Statutes, is hereby amended by inserting after the comma following the word "Montgomery" and before the word "Orange" in line six of said paragraph the word "Onslow".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 105 **CHAPTER 228**

AN ACT TO PROVIDE FOR THE REGISTRATION OF RIGHT OF WAY PLANS FOR STATE HIGHWAY COMMISSION PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 136 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 136-19.3, and immedi-

ately preceding G. S. 136-20, to be numbered G. S. 136-19.4, and to read as follows:

"G. S. 136-19.4. Registration of Right of Way Plans. (a) A copy of the cover sheet and plan and profile sheets of the final right of way plans for all State Highway Commission projects, on those projects for which plans are prepared, under which right of way or other interest in real property is acquired or access is controlled shall be certified under the State Highway Commission's seal by the Secretary of the State Highway Commission to the register of deeds of the county or counties within which the project is located. The secretary shall certify said plan sheets to the register of deeds within two weeks from their formal approval by the State Highway Commission.

(b) The copy of the plans certified to the register of deeds shall consist of a xerox, photographic, or other permanent copy and shall measure approximately 20 inches by 12 inches including no less than 1½ inches binding space on the left-hand side.

(c) Notwithstanding any other provision in the law, upon receipt of said original certified copy of the right of way plans, the register of deeds shall record said right of way plans and place the same in a book maintained for that purpose, and the register of deeds shall maintain a cross-index to said right of way plans by number of road affected, if any, and by project number. No probate before the Clerk of the Superior Court shall be required.

(d) If after the approval of said final right of way plans the State Highway Commission shall by resolution alter or amend said right of way or control of access, the Secretary to the Commission, within two weeks from the adoption by the State Highway Commission of said alteration or amendment, shall certify under seal of the State Highway Commission to the register of deeds in the county or counties within which the project is located a copy of the amended plan and profile sheets approved by the State Highway Commission and the register of deeds shall remove the original plan sheets and record the amended plan sheets in lieu thereof.

(e) The register of deeds in each county shall collect a fee from the State Highway Commission of fifty cents (50¢) for the indexing of each project and in addition shall collect a fee of five dollars ($5.00) for each original or amended plan and profile sheet recorded."

Sec. 2. G. S. 47-30 is hereby amended by adding the following subsection at the end thereof:

"(1) The provisions of this Section shall not apply to the registration of highway right of way plans provided for in G. S. 136-19.4."

Sec. 3. Chapter 161 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 161-10.1, and immediately preceding G. S. 161-11, to be numbered G. S. 161-10.2, and to read as follows:

"161-10.2. Fees for Recording State Highway Commission Right of Way Plans. Nothing contained in G. S. 161-10, G. S. 161-10.1, or local modifications thereof, shall apply to the registration of State Highway Commission right of way plans as provided for in G. S. 136-19.4."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 291 CHAPTER 229

AN ACT TO PREVENT THE TAKING OF DEER ON BLACK RIVER WITH THE AID OF BOATS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person or persons to take or attempt to take or kill or attempt to kill any deer in or within one hundred yards of Black River, at any and every point where Black River is located in Pender County, with the aid of any boat or other floating device; provided this Act will not prohibit the transportation of hunters or their legally taken game up, down or across Black River.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00) or imprisoned for not less than 30 days nor more than 60 days, or both fine and imprisonment.

Sec. 3. The North Carolina Wildlife Resources Commission shall have jurisdiction to enforce the provisions of this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 294 CHAPTER 230

AN ACT AMENDING G. S. 75A-6(n) SO AS TO MAKE SAID ACT, RELATING TO SAFETY EQUIPMENT ON MOTOR BOATS, APPLICABLE TO PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 75A-6(n) is amended by striking out the word "Pender" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 340 **CHAPTER 231**

AN ACT TO RELIEVE THE SHERIFF OF CURRITUCK COUNTY OF THE DUTY OF COLLECTING TAXES, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO APPOINT A TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. As of October 1, 1970, the Sheriff of Currituck County shall be relieved of the duty and responsibility for the collection of ad valorem, poll and dog taxes, both current and delinquent. The sheriff shall make a complete settlement, as required by law, on or before October 1, 1970.

Sec. 2. The Board of County Commissioners of Currituck County shall appoint some qualified person as County Tax Collector. The tax collector shall perform those duties imposed by law, and shall collect current taxes, or both current and delinquent taxes as directed by the Board of County Commissioners.

Sec. 3. The person appointed as tax collector shall qualify as of October 1, 1970, and shall give bond in such amount as the Board of Commissioners deems sufficient before entering upon the duties of his office. The tax collector shall receive such compensation as may be fixed by the Board of Commissioners. Any vacancy in the office of tax collector shall be filled by the Board of Commissioners by appointment.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 449 **CHAPTER 232**

AN ACT TO AUTHORIZE THE BERTIE COUNTY BOARD OF EDUCATION TO SELL TWO AND ONE HALF ACRES OF SURPLUS LAND TO THE AULANDER SWIM CLUB, INC.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Education of Bertie County is hereby authorized to sell at private sale to Aulander Swim Club, Inc. at five hundred dollars ($500.00) per acre the two and one-half acres, more or less, of surplus land not needed for school purposes by said Board of Education, which was leased by said County Board of Education to said Aulander Swim Club, Inc. on November 2, 1966.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 460 **CHAPTER 233**

AN ACT TO TRANSFER CERTAIN DELINQUENT TAXES IN PERSON COUNTY TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. All delinquent taxes due Person County and all penalties and interest assessed on taxes which are delinquent for any period whatsoever, when collected, and on the date of said collection, including accrued costs, shall be paid into the General Fund of Person County.

Sec. 2. That this Act shall apply to Person County only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 470 **CHAPTER 234**

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY TO MAKE CERTAIN EXPENDITURES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Forest City is hereby empowered and authorized, in its discretion, to expend from any nontax funds on hand a sum not to exceed five hundred dollars ($500.00) for the purchase of band uniforms and equipment for East Rutherford High School, and such expenditure is hereby declared to be for a lawful public purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 472 **CHAPTER 235**

AN ACT TO AUTHORIZE THE SHERIFF OF CURRITUCK COUNTY TO APPOINT DEPUTY SHERIFFS, AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO APPOINT DEPUTY TAX COLLECTORS, AND TO FIX THEIR COMPENSATION AND THE COMPENSATION OF THE SHERIFF AND DEPUTY SHERIFFS OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Currituck County is hereby authorized and empowered, in its discretion, to appoint deputy tax collectors and to fix their salaries and compensation. The Board of County Commissioners of Currituck County is further authorized and empowered to fix the salary and compensation of the Sheriff and deputy sheriffs of Currituck County. The Sheriff of Currituck County shall appoint the deputy

sheriffs of the county subject to the approval of the Board of County Commissioners.

Sec. 2. All special and local Acts which deal in any manner with the appointment, salaries, fees and other compensation of deputy sheriffs and deputy tax collectors in Currituck County and its townships, or which deal with the salary, fees and other compensation of the Sheriff of Currituck County in any manner, and specifically Chapter 383, Public-Local Laws of 1925, Chapter 62, Public-Local Laws of 1929, Chapter 27, Public-Local Laws of 1933, Chapter 13, Public-Local Laws of 1935, Chapter 119, Public-Local Laws of 1935, Chapter 101, Public-Local Laws of 1939, Chapter 256, Public-Local Laws of 1941, Chapters 8, 38, 42, 83 and 243, Session Laws of 1943, Chapters 330 and 987, Session Laws of 1945, Chapters 542 and 815, Session Laws of 1947, Chapter 438, Session Laws of 1949, Chapters 141, 882 and 956, Session Laws of 1951, Chapter 546, Session Laws of 1953, Chapter 1134, Session Laws of 1957, Chapter 956, Session Laws of 1959 and Chapter 1125, Session Laws of 1961, are hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

H. B. 485 CHAPTER 236

AN ACT TO AMEND CHAPTER 1229 OF THE 1963 SESSION LAWS SO AS TO MAKE SAID CHAPTER APPLICABLE TO FORSYTH COUNTY SO AS TO AUTHORIZE THE USE OF NON-TAX FUNDS FOR LOCAL DEVELOPMENT PURPOSES IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1½ of Chapter 1229 of the 1963 Session Laws be amended by deleting the word "Forsyth County" as the same appear in the first line of said Section.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1967.

S. B. 253 CHAPTER 237

AN ACT TO AMEND CHAPTER 282, SESSION LAWS OF 1965, AND CHAPTER 115, SESSION LAWS OF 1963, THE SAME BEING THE CHARTER OF THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 282, Session Laws of 1965, is hereby amended by deleting from lines 3 and 4: "who shall be elected by the voters of the City of Lumberton at large".

Sec. 2. Section 12 of Chapter 282, Session Laws of 1965, is amended by rewriting said Section to read as follows:

"Sec. 12. Article III, Chapter 115, Session Laws of 1963, is hereby amended by adding a new Section at the end thereof to read as follows:

"Sec. 13. Election wards or precincts: There shall be eight election wards or precincts, as hereinafter described, which shall not be changed except by an Act of the General Assembly. Provided, however, that in the event the corporate limits of the City of Lumberton are extended, the Board of Elections shall enlarge the nearest ward or precinct so as to include the annexed area therein. The eight wards or precincts shall be established as hereinafter described, to wit:

"No. 1. BEGINNING at a point in the intersection of the center line of 23rd Street and Elm Street and runs thence with the center line of 23rd Street, North 85 degrees 45 minutes West about 3285 feet to a point in the center line of the spur line of the V & CS Railroad; thence with the center line of said spur line of the V & CS Railroad North 23 degrees 05 minutes East about 480 feet to a point in the North line of Lot Number 111 extended, said Lot Number 111 being shown on a 'Map of Part of the Property of Jennings Cotton Mills, Inc. of Lumberton, N. C.', recorded in Book of Maps No. 7, Page 48, Robeson County Registry; thence with and beyond the North line of said Lot Number 111 and with and beyond the North line of the above referred to Jennings Mill Property North 66 degrees 00 minutes West about 1660 feet to a point in the present (1967) corporate limit line of the City of Lumberton, N. C., said point being 430 feet at right angles in a northwesterly direction from the center line of Interstate Highway Number 95; thence with the present (1967) corporate limit line of the City of Lumberton, N. C., and 430 feet at right angles northwest of the center line of Interstate Highway Number 95 and in a northeasterly direction about 3550 feet to a point in the northeast line of N. C. Highway Number 211, said point being a corner of the present (1967) corporate limits of the City of Lumberton, N. C., and said point being 50 feet at right angles northeast of the center line of N. C. Highway Number 211; thence parallel with and 50 feet at right angles northeast of the center line of said N. C. Highway Number 211, North 35 degrees 46 minutes West about 265.15 feet to an iron stake, said iron stake being a corner between the lands of the Greenbrier Motel and O. C. Norment; thence with the Norment and Greenbrier Motel line, North 44 degrees and 02 minutes East 501.2 feet to an iron stake; thence about North 18 degrees and 25 minutes East about 243 feet to a stake in the run of Meadow Branch Canal; thence with the run of Meadow Branch Canal the following courses and distances: North 62 degrees 11 minutes West about 100 feet to a point in Meadow Branch Canal in the present (1967) corporate limit line of the City of Lumberton; thence still with the run of Meadow Branch Canal and the corporate limit line South 78 degrees 14 minutes West 78.0 feet to a point; thence South 73 degrees 22 minutes West 640.6 feet to a point in the run of Meadow Branch Canal and on the northeast side of N. C. Highway Number 211, said point being 30 feet at right angles northeast of the center line of said highway; thence parallel with and 30 feet at right angles northeast of the center line of said highway, North 37 degrees and 00 minutes West 1037.0 feet to an iron stake

on the North side of N. C. Highway Number 211, said iron stake being a corner of the 1967 corporate limits of the City of Lumberton, and said iron stake also being a corner of the Recreation Facilities of Lumberton, N. C., Incorporated, property; thence with the East line of said Recreation Facilities property and the 1967 corporate limit line of the City of Lumberton, North 53 degrees 00 minutes East 750.8 feet to an iron stake, said iron stake being the northeast corner of the Recreation Facilities property and a corner of the corporate limits; thence with and beyond the North line of the Recreation Facilities property and with the present (1967) corporate limit line of the City of Lumberton, N. C., North 64 degrees 15 minutes West 559.73 feet to an iron stake, a corner of the corporate limits; thence with the present (1967) corporate limit line of the City of Lumberton, N. C., the following courses and distances: North 21 degrees 43 minutes East 284.94 feet; North 71 degrees 00 minutes East 220 feet; South 50 degrees 00 minutes East 140 feet; North 71 degrees 35 minutes East 115 feet; North 84 degrees 53 minutes East 160 feet; South 32 degrees 00 minutes East 150 feet; North 73 degrees 25 minutes East 140 feet; North 52 degrees 57 minutes East 331 feet; North 66 degrees 00 minutes East 192 feet; North 83 degrees 08 minutes East 180 feet; South 77 degrees 45 minutes East 265 feet; South 82 degrees 42 minutes East 115 feet; North 63 degrees 30 minutes East 70 feet; and South 72 degrees 41 minutes East 224.7 feet to an iron stake in the West line of Interstate Highway Number 95, said iron stake being 130 feet at right angles West of the center line of said highway; thence with the West line of said highway and parallel with and 130 feet at right angles West of the center line of said highway and with the present (1967) corporate limit line of the City of Lumberton about South 17 degrees 19 minutes West 2048.43 feet to a point in the run of Meadow Branch Canal; thence still with the 1967 corporate limit line of the City of Lumberton, N. C., in a southeasterly direction and with the run of Meadow Branch Canal about 1350 feet to a point in the intersection of Meadow Branch Canal and Polecat Branch; thence with the run of Polecat Branch in a northeasterly direction about 1700 feet to a point in the bend of Polecat Branch; thence still with the run of Polecat Branch in a southeasterly direction about 300 feet to a point in the run of Polecat Branch, said point being a corner between the lands of Hector MacLean and W. D. Linkhaw and said point also being a corner of the 1967 corporate limits of the City of Lumberton, N. C.; thence with the MacLean-Linkhaw line and the present (1967) corporate limit line (leaving the run of Polecat Branch), the following courses and distances: North 23 degrees 30 minutes East 710.1 feet; North 64 degrees 29 minutes West 1156 feet, and North 26 degrees 28 minutes East 2117.6 feet to a stake in the run of Ivey's Branch in the dividing line between the lands of Hector MacLean and W. D. Linkhaw; thence leaving the MacLean-Linkhaw line and running with the run of Ivey's Branch and the corporate limit line, South 79 degrees 58 minutes East 1148.4 feet to a stake in the run of Ivey's Branch in the West line of U. S. Highway Number 301-A, said point being 50 feet at right angles West of the center line of said highway and said point also being a corner of the 1967 corporate limits of the City of Lumberton, N. C.; thence crossing U. S. Highway Number 301-A and

running to and with the run of Ivey's Branch in a southeasterly direction with the 1967 corporate limits of the City of Lumberton, N. C. about 1270 feet to a point in the West right-of-way line of the V & CS Railroad main line; thence with the West right-of-way line of said railroad and the corporate limits of the City of Lumberton, N. C. and 15 feet at right angles West of the center line of said railroad in a southwesterly direction about 1960.6 feet to an iron stake, a corner of the 1967 corporate limits; thence still with the 1967 corporate limit line South 86 degrees 56 minutes East about 48 feet to an iron stake in the West edge of the bottom of a canal; thence still with the corporate limit line and the run of said canal, South 61 degrees 13 minutes East 1011.2 feet to a stake in the canal, a corner of the Lumberton City Schools property; thence still with the Lumberton City School line and the corporate limit line of the City of Lumberton, N. C., the following courses and distances: South 21 degrees 02 minutes West 1014 feet; thence leaving the Lumberton City School property and running with the corporate limit line of the City of Lumberton, N. C. in a southwesterly direction about 167 feet to a corner of the 1967 corporate limit line; thence still with the 1967 corporate limit line in a southwesterly direction about 2495 feet to a point in the North line of N. C. Highway Number 211 bypass; thence with the North line of N. C. Highway Number 211 bypass in a northwesterly direction about 975 feet to a point 50 feet at right angles West of the center line of U. S. Highway Number 301-A, a corner of the corporate limits of the City of Lumberton, N. C.; thence parallel with and 50 feet at right angles West of the center line of U. S. Highway Number 301-A in a southwesterly direction about 210 feet to a point in the run of Meadow Branch Canal, a corner of the corporate limits of the City of Lumberton, N. C.; thence with the corporate limit line and the run of Meadow Branch Canal in a southeasterly direction about 100 feet to a point in Meadow Branch Canal 50 feet at right angles East of the Center line of U. S. Highway Number 301-A; thence leaving Meadow Branch Canal and running with the 1967 corporate limit line of the City of Lumberton, N. C. North 72 degrees 30 minutes East 89.5 feet to a point 75 feet at right angles South of the center line of N. C. Highway Number 211 bypass; thence parallel with and 75 feet at right angles South of the center line of N. C. Highway Number 211 bypass South 50 degrees 00 minutes East 335 feet and South 43 degrees 30 minutes East about 440 feet to a stake at a point 75 feet South of the center line of N. C. Highway Number 211; thence South 25 degrees 30 minutes West about 547.6 feet with the corporate limit line to a stake in Meadow Branch Canal; thence leaving Meadow Branch Canal and running to and with the center line of the V & CS Railroad in a southwesterly direction about 2200 feet to a point in the intersection of the center line of Godwin Avenue with the center line of the V & CS Railroad main line; thence with the center line of Godwin Avenue in a northwesterly direction about 1400 feet to a point in the intersection of the center line of Godwin Avenue with the East line of Cedar Street; thence to and with the center line of 24th Street in a northwesterly direction about 1600 feet to a point in the intersection of the center line of 24th Street with the center line of Elm Street; thence

with the center line of Elm Street South 4 degrees 15 minutes West about 243 feet to the beginning.

"No. 2. BEGINNING at a point in the intersection of the center lines of Elm and 24th Streets and runs thence in an easterly direction with the center line of 24th Street about 1600 feet to a point in the intersection of the East line of Cedar Street with the center line of Godwin Avenue; thence with the center line of Godwin Avenue in a southeasterly direction about 1400 feet to a point in the center line of the main line of the V & CS Railroad; thence with the center line of the main line of the V & CS Railroad in a northeasterly direction about 1600 feet to a point in the run of Meadow Branch Canal in the present (1967) corporate limit line of the City of Lumberton, North Carolina; thence with the corporate limit line of the City of Lumberton in a southeasterly direction and with the run of Meadow Branch Canal about 1400 feet to a point in the center line of Alexander Street extended; thence still with the 1967 corporate limit line and the center line of Alexander Street extended North 26 degrees 35 minutes East 1586.8 feet to a point in the bend of said street; thence continuing with the said street South 80 degrees 40 minutes East 409.7 feet to a point in the street; thence still with the street North 76 degrees 15 minutes East 520.4 feet to a point in said street; thence as said street South 89 degrees 02 minutes East 194.6 feet to a point in said street opposite a ditch; thence to and with said ditch North 00 degrees 11 minutes East 1164.2 feet to a stake in the bottom of said ditch, said stake being in the intersection of the above referred to ditch with an intersecting ditch; thence still with the corporate limit line and with the said intersecting ditch South 76 degrees and 40 minutes East 638.9 feet to a stake in the ditch; thence South 72 degrees 27 minutes East 150.1 feet to a stake in the ditch; thence with and beyond said ditch South 72 degrees 00 minutes East 112.6 feet to a stake, corner of a tract of land owned by Lee Vernon Rogers; thence with the Rogers line South 70 degrees 28 minutes East 115.5 feet to an iron stake in the Gavintown Road; thence South 70 degrees and 28 minutes East 205.5 feet to a stake in a field; thence parallel with and 200 feet at right angles East of the Gavintown Road and still with the corporate limit line of the City of Lumberton the following courses and distances: South 6 degrees and 13 minutes West 1480.8 feet; South 4 degrees and 00 minutes East 142.3 feet; South 13 degrees 03 minutes East 184.1 feet and South 5 degrees and 03 minutes West 234.7 feet crossing N. C. Highway Number 41 to a stake on the South side of said highway, said stake being 50 feet at right angles from the center line of said highway; thence still with the corporate limit line of the City of Lumberton and parallel with and 50 feet at right angles from the center line of said N. C. Highway Number 41 the following courses and distances: South 85 degrees 57 minutes West 94.9 feet; South 82 degrees 45 minutes West 108.4 feet; South 79 degrees 57 minutes West 86.5 feet; South 76 degrees 53 minutes West 97.3 feet and South 74 degrees and 20 minutes West 71.9 feet to a point in a graded road, said point being 50 feet at right angles South of the center line of N. C. Highway Number 41 and said point also being a corner of the 1967 corporate limit line of the City of Lumberton, N. C.; thence still with the 1967 corporate limit line of the City of Lumberton and with the above

referred to graded road South 16 degrees 44 minutes East 357.3 feet to a point in said road; thence continuing with said road South 05 degrees 27 minutes West 668.9 feet to a point in the road; thence as the road South 6 degrees 07 minutes West 1166.8 feet to a point in the road; thence still with the lot South 09 degrees 28 minutes West 320.7 feet to a point in the road; thence leaving said road and running still with the 1967 corporate limit line of the City of Lumberton, N. C. South 40 degrees 58 minutes East about 710 feet to a point in the intersection of the center line of 14th Street extended with the corporate limit line above referred to; thence leaving the corporate limit line of the City of Lumberton and running with the center line of 14th Street extended and to and with the center line of 14th Street North 85 degrees 45 minutes West about 2430 feet to a point in the intersection of the center line of Godwin Avenue and 14th Street; thence leaving the center line of Godwin Avenue and running in a northwesterly direction about 30 feet to a point in the center line extended of the V & CS Railroad spur track on the West side of Godwin Avenue; thence with the center line of the V & CS Railroad spur track in a northwesterly direction about 1200 feet to a point on the curve of said spur track; thence around the curve of said spur track in a southwesterly direction about 350 feet to a point in the center line of the V & CS Railroad main line; thence with the center line of the V & CS Railroad main line in a southwesterly direction about 800 feet to a point in the center line of Tenth Street; thence leaving the V & CS Railroad and running with the center line of Tenth Street in a northwesterly direction about 2650 feet to a point in the center line of Elm Street; thence with the center line of Elm Street in a northeasterly direction about 3700 feet to the beginning.

"No. 3. BEGINNING at a point in the center line of Tenth Street and the V & CS Railroad and runs thence with the center line of the V & CS Railroad in a northeasterly direction about 800 feet to the point of intersection of the center line of a spur line leaving eastwardly from the center line of the V & CS Railroad main line; thence with the center line of said spur line on a curve in a northeasterly direction about 350 feet to a point; thence still with the center line of the spur line in a southeasterly direction about 1200 feet to a point in the West line of Godwin Avenue; thence in a southeasterly direction about 30 feet to a point in the intersection of the center line of Godwin Avenue and 14th Street; thence with the center line of 14th Street South 85 degrees 45 minutes East about 2430 feet to a point in the intersection of the center line of 14th Street with the 1967 corporate limit line of the City of Lumberton, N. C.; thence with the 1967 corporate limit line of the City of Lumberton, N. C. South 40 degrees 58 minutes East about 775.4 feet to a stake in a grove of woods; thence parallel with and 135 feet East of the center line of Linwood Avenue extended (said 135 feet being measured at right angles to the center line of said avenue) South 23 degrees 21 minutes West 989.3 feet to an iron stake in a field, said iron stake being 405 feet at right angles North of the center line of Seventh Street extended; thence parallel with and 405 feet at right angles North of the center line of Seventh Street extended South 85 degrees 45 minutes East 716.4 feet to a stake; thence North 02 degrees 15 minutes East 1230 feet to a stake;

thence South 86 degrees East 507 feet to a stake; thence South 5 degrees 30 minutes West 496 feet to a stake; thence South 85 degrees 30 minutes East 1110 feet to a stake; thence South 51 degrees 30 minutes East 686 feet to a stake in what is known as the Paul Harrell Road; thence with the said Paul Harrell Road South 50 degrees 03 minutes West 1034.9 feet to the center line of Seventh Street extended; thence along the center line of Seventh Street extended South 85 degrees 45 minutes East 81.2 feet to a point; thence leaving said Seventh Street extended and running to, with and beyond a ditch South 38 degrees 24 minutes East 697.47 feet to a point, said point being South of the center line of Seventh Street extended and 513 feet at right angles from the center line thereof; thence parallel with and 513 feet at right angles from the center line of said street North 85 degrees 45 minutes West about 1450 feet to a stake in the East line of Bryan Street; thence with the East line of Bryan Street South 05 degrees 02 minutes West 54.01 feet to a stake in the East line of Bryan Street; thence crossing Bryan Street and running to and with the South line of Fifth Street, North 85 degrees 45 minutes West about 486 feet to a point in the 1967 corporate limit line of the City of Lumberton, N. C.; thence with the 1967 corporate limit line of the City of Lumberton, N. C., South 04 degrees 15 minutes West about 650 feet to a point in the center line of McPhail Road; thence with the center line of McPhail Road, in a southwesterly direction about 1300 feet to a point in the center line of Second Street; thence with the center line of Second Street and to and with the center line of Fifth Street in a northwesterly direction about 4000 feet to a point in the intersection of the center line of Fifth Street with the center line of the main line of the V & CS Railroad; thence with the center line of the main line of the V & CS Railroad in a northeasterly direction about 1500 feet to the intersection of the center line of the V & CS Railroad with the center line of Tenth Street, the point of beginning.

"No. 4. BEGINNING at a point in the center line of the bridge on Chippewa Street above the North bank of Lumber River in the 1967 corporate limit line of the City of Lumberton, N. C., and runs thence along the center line of Chippewa Street in a northeasterly direction about 2300 feet to a point in the center line of the main line of the SAL Railroad; thence with the center line of the main line of the SAL Railroad in a southeasterly direction about 1200 feet to a point in the center line of Mill Street extended; thence to and with the center line of Mill Street extended in a northeasterly direction about 1200 feet to a point in the center line of "A" Avenue extended; thence with the center line of "A" Avenue extended in a southeasterly direction about 600 feet to a point in the intersection of the center line of "A" Avenue and Carolina Avenue; thence leaving "A" Avenue and Carolina Avenue and running in a northeasterly direction about 1175 feet to a point in the intersection of the center line of Hollywood Drive with the center line of the first street South of East Street that leads southwestwardly through the New Hollywood Cemetery; thence with the center of Hollywood Drive in a northwestwardly direction about 400 feet to a point in the center line of Second Street; thence with the center line of Second Street in a southeastwardly direction about 550 feet to a point in the center line of Second Street

opposite McPhail Road; thence in a northeasterly direction to and with the center line of McPhail Road about 1300 feet to a point in the center line of McPhail Road in the 1967 corporate limit line of the City of Lumberton, N. C.; thence leaving the McPhail Road and running with the 1967 corporate limit line of the City of Lumberton, N. C., South 04 degrees 15 minutes West about 500 feet to a point in the bottom of a ditch; thence as said ditch in a southeasterly direction about 600 feet to a point in the 1967 corporate limit line of the City of Lumberton, N. C., said point being a corner of the Hyde Park Baptist Church Property; thence still with the corporate limit line and the West line of the church property North 38 degrees 03 minutes East 207.2 feet to an old concrete monument, a corner of the church property and the corporate limit line; thence with the church line and the corporate limit line in a southeasterly direction about 500 feet to a point 75 feet at right angles West of the center line of N. C. Highway Number 211 bypass; thence parallel with and 75 feet at right angles West of the center line of N. C. Highway Number 211 bypass and with the 1967 corporate limit line of the City of Lumberton, N. C. in a southwesterly direction about 339 feet to a point in the bottom of a ditch in the corporate limit line; thence with the ditch and the corporate limit line in a southeasterly direction about 500 feet to a point in a road; thence South 07 degrees 40 minutes West 561.7 feet to an iron stake in the West edge of a road, said iron stake being 138 feet at right angles North of the center line of the Warwick Mill Road; thence parallel with and 138 feet at right angles North of the center line of the Old Warwick Mill Road, South 78 degrees 45 minutes East 1017.6 feet to a point; thence South 73 degrees and 26 minutes East 171.3 feet to a point; thence South 10 degrees 20 minutes West 109.7 feet to an iron stake on the North side of the Warwick Mill Road, said iron stake being 30 feet at right angles North of the center line of said road; thence parallel with and 30 feet at right angles North of the center line of said Warwick Mill Road the following courses and distances: South 65 degrees 24 minutes East 109.75 feet; South 58 degrees 23 minutes East 103.37 feet; and South 53 degrees and 30 minutes East 648.75 feet to an iron stake on the North side of and 30 feet at right angles from the center line of said road; thence crossing said road and running parallel with and 37 feet at right angles East of the East wall of a tobacco warehouse as now exists South 35 degrees and 01 minute West 704.8 feet to an iron stake on the South side of N. C. Highway Number 211, said iron stake being 30 feet at right angles South of the center line of said highway; thence parallel with and 30 feet at right angles South of the center line of N. C. Highway Number 211 North 54 degrees and 19 minutes West 947.3 feet to a stake; thence parallel with and 30 feet at right angles from the center line of said highway to and with the northern line of the Cooperative Warehouse North 54 degrees 19 minutes West 536.5 feet to an iron stake in a ditch; thence with the ditch South 47 degrees 36 minutes West 90.9 feet to an iron stake in the ditch; thence to, with and beyond the North line of an unnamed street crossing U. S. Highway Number 74 North 78 degrees 09 minutes West 1156.7 feet to a stake on the North side of Glisson Street; thence South 10 degrees and 33 minutes West 1066.6 feet to a point in the center line of the old Whiteville Road; thence crossing the SAL Railroad

South 39 degrees and 21 minutes West 1352.3 feet to an old iron pipe set in concrete in the Bullard Road, said iron pipe being a corner of the Williams and Bullard lands; thence as the Williams and Bullard line South 48 degrees and 40 minutes West 1183.8 feet to a point in the center line of the main line of the V & CS Railroad spur track leading to the Carolina Power and Light Company Hydroelectric plant; thence as said spur track the following courses and distances: North 50 degrees 19 minutes West 312.8 feet; North 46 degrees 49 minutes West 260.8 feet; North 43 degrees and 43 minutes West 147 feet; North 41 degrees 31 minutes West 1137.4 feet; North 37 degrees 32 minutes West 133.3 feet; North 31 degrees and 01 minute West 154.3 feet; North 24 degrees and 37 minutes West 112 feet and North 18 degrees 09 minutes West 131.7 feet to a point in the center line of the V & CS Railroad; thence leaving the railroad and running to and with the line of the Lumberton Land Company South 62 degrees 35 minutes West 1423.3 feet to a concrete monument on North bank of Lumber River by an old marked cypress pointer; thence up the northeast bank of Lumber River in a northwesterly direction about 1000 feet to the beginning.

"No. 5. BEGINNING at a point on the bridge on Chippewa Street above the North bank of Lumber River in the 1967 corporate limit line of the City of Lumberton, N. C., and runs thence with the 1967 corporate limit line of the City of Lumberton, N. C., and the North bank of Lumber River in a northwesterly direction about 4000 feet to a point opposite Gum Branch Canal; thence in a northwesterly direction and with the 1967 corporate limit line of the City of Lumberton, N. C. about 50 feet to a point in the middle of Lumber River; thence up the middle of Lumber River in a northeasterly and northwesterly direction about 4550 feet to a point in the intersection of the middle of Lumber River with the center line of Eighth Street extended; thence to and with the center line of Eighth Street extended in a southeasterly direction about 1000 feet to a point in the intersection of the center line of Eighth Street with the center line of Elm Street; thence with the center line of Elm Street North 04 degrees 15 minutes East about 567 feet to a point in the center line of Tenth Street; thence with the center line of Tenth Street in a southeasterly direction about 2650 feet to a point in the center line of the main line of the V & CS Railroad; thence with the center line of the V & CS Railroad in a southwesterly direction about 3000 feet to a point in the center line of the V & CS Railroad and the center line of Fifth Street; thence with and beyond the center line of Fifth Street and to and with the center line of Second Street in a southeasterly direction about 3450 feet to a point in the center line of Second Street opposite the center line of Hollywood Drive extended; thence to and with the center line of Hollywood Drive in a southeasterly direction about 400 feet to the first street South of East Street leading in a southwestwardly direction through New Hollywood Cemetery; thence in a southwestwardly direction about 1175 feet to a point in the intersection of the center line of "A" Avenue and Carolina Avenue; thence with the center line of "A" Avenue and beyond in a northwestwardly direction 600 feet to a point in the center line of "A" Avenue extended and Mill Street extended; thence to and with the center line of Mill Street extended in a southwestwardly direction about

1200 feet to a point in the center line of the main line of the SAL Railroad; thence with the center line of the main line of the SAL Railroad in a northwestwardly direction about 1200 feet to a point in the center line of Chippewa Street; thence leaving the railroad and running with the center line of Chippewa Street in a southwestwardly direction about 2300 feet to the beginning.

"No. 6. BEGINNING at a point in the intersection of the center line of Gum Branch Canal with the middle of Lumber River; thence with the center line of Gum Branch Canal extended about 50 feet in a northwesterly direction to a point in Gum Branch Canal; thence up Gum Branch Canal the following courses and distances: North 82 degrees 54 minutes West 1008.2 feet; South 81 degrees 06 minutes West 59.0 feet; South 55 degrees 38 minutes West 229.0 feet; thence crossing the Lovette Road South 51 degrees 32 minutes West 1302.7 feet; South 80 degrees 17 minutes West 111.3 feet; North 82 degrees 46 minutes West 438 feet; North 80 degrees and 47 minutes West 341.7 feet; North 81 degrees and 56 minutes West 272 feet; thence crossing the Fairmont Road (N. C. Highway Number 41) North 82 degrees 15 minutes West 402.2 feet; North 81 degrees 25 minutes West 432.2 feet; North 81 degrees 49 minutes West 281.1 feet; and North 58 degrees 57 minutes West 71.3 feet to a point in Gum Branch Canal; thence leaving Gum Branch Canal and running North 38 degrees 23 minutes East 845.6 feet to a stake, said stake being in the line of Project Number NC 14-1 of the Housing Authority of the City of Lumberton; thence as said Housing Authority line North 38 degrees 57 minutes West 120.5 feet; thence South 65 degrees 05 minutes West 278.52 feet to a concrete monument, corner of the Housing Authority lands; thence continuing the said Housing Authority line North 00 degrees and 28 minutes West 600.25 feet to a concrete monument; thence North 83 degrees 25 minutes East along the Housing Authority line 282.3 feet to a stake; thence South 89 degrees and 29 minutes East 490.9 feet to a stake; thence North 07 degrees 48 minutes East 124.5 feet to a stake; thence South 61 degrees 10 minutes East 96.1 feet to a stake, said stake being a corner of the aforesaid Housing Authority lands; thence leaving said Housing Authority lands and continuing with the 1967 corporate limit line North 38 degrees 23 minutes East 400.5 feet to a stake in the South line of Side Street in the Knuckles Park Subdivision; thence North 64 degrees 25 minutes West along the South line of Side Street and crossing the Biggs Road 1150 feet to a point 215 feet at right angles northwest of the center line of the Biggs Road; thence parallel with and 215 feet at right angles from the center of the Biggs Road North 78 degrees 35 minutes East 1850 feet to a point in the East line of the R. H. Nye lands and in the West line of the Campbell Subdivision; thence North 05 degrees and 47 minutes East with the Nye-Campbell line 870 feet to an iron stake, corner of the Timbuktu Subdivision; thence North 05 degrees and 02 minutes East with the Nye-Timbuktu line about 823.3 feet to a point in the center line of the SAL Railroad; thence with the center line of the SAL Railroad South 64 degrees 06 minutes East about 3100 feet to a point in the intersection of the center line of the SAL Railroad with the middle of Lumber River; thence with the middle of

Lumber River in a generally southeasterly direction about 2550 feet to the beginning.

"In addition to the above, the following is also a part of No. 6:

"BEGINNING at a point in Gum Branch Canal in the corporate limit line of the City of Lumberton, North Carolina, and runs thence (leaving Gum Branch Canal) South 57 degrees and 19 minutes West (crossing the N. C. Highway Number 41) 1189.1 feet to a stake on the South side of the Old Marion Stage Road, thence along the South side of the old Marion Stage Road the following courses and distances: South 62 degrees and 24 minutes West 126.5 feet; South 68 degrees and 45 minutes West 510.5 feet; South 71 degrees and 10 minutes West 567.2 feet; South 66 degrees and 28 minutes West 623.0 feet and South 63 degrees and 06 minutes West 594.4 feet to a stake on the South side of the Old Marion Stage Road opposite the southwest corner of the new high school site; thence crossing the Old Marion Stage Road North 23 degrees and 15 minutes West 44.1 feet to an old iron stake, the southwest corner of the new high school site; thence with the West line of the new high school site North 23 degrees and 15 minutes West 1352.7 feet to an old iron stake the northwest corner of the high school site; thence with the North line of the new high school site North 66 degrees and 45 minutes East 1320.0 feet to an iron stake, the northeast corner of the high school site; thence with the East line of the high school site South 23 degrees and 15 minutes East 1207.2 feet to an iron stake in the East line of said school site; thence leaving the high school site and running North 67 degrees and 31 minutes East 1262.6 feet to an iron stake on the West bank of a ditch; thence North 58 degrees and 58 minutes East 156.5 feet to an iron stake; thence North 57 degrees and 37 minutes East 429.2 feet to an iron stake in the West edge of a ditch; thence with the West edge of the ditch North 42 degrees and 05 minutes West 110.0 feet to a stake in the West edge of the ditch; thence still with the West edge of the ditch North 10 degrees and 40 minutes East 102.3 feet to a point in Gum Branch Canal in the corporate limit line of the City of Lumberton, North Carolina; thence with Gum Branch Canal and the corporate limit line of the City of Lumberton, North Carolina, South 80 degrees and 08 minutes East 488.0 feet to the beginning. Bearings are magnetic as of October, 1963.

"No. 7. BEGINNING at a point in the center line of the SAL Railroad in the R. H. Nye property line extended and runs thence South 05 degrees 02 minutes West about 100 feet to a stake by a stone monument, said stake being in the South right-of-way line of the SAL Railroad; thence parallel with and 100 feet at right angles South of the center line of the SAL Railroad, North 64 degrees 06 minutes West 335 feet to a stake in the South line of the SAL Railroad, said stake being 100 feet at right angles South of the center line of said railroad; thence at right angles North 25 degrees 54 minutes East 200 feet to a stake in the North right-of-way line of said railroad; thence parallel with and 100 feet at right angles North of the center line of said railroad North 64 degrees 06 minutes West 3711.5 feet to a stake in the North line of said railroad, said stake being 100 feet at right angles North of the center line of said railroad; thence at right angles South 25 degrees 54 minutes West 200 feet to a stake in the South right-of-way line of the SAL Railroad, said stake being

100 feet at right angles South of the center line of said railroad; thence South 04 degrees 53 minutes West 804.6 feet to a stake in the East edge of a ditch; thence with a second ditch and the North line of the West Lumberton School and beyond North 64 degrees 06 minutes West 794.2 feet to a stake on the West side of the road leading to the West Lumberton School; thence along the West side of said road, South 03 degrees and 41 minutes East 420.9 feet to a stake on the West side of said road; thence still along the West side of the road South 03 degrees and 44 minutes West 249.2 feet to a stake on the West side of said road; thence leaving the road and running North 87 degrees 14 minutes West 771.3 feet to a stake near and on the outside of a wire mesh fence around the Lumberton Junior Chamber of Commerce Fairgrounds; thence outside of said wire mesh fence North 04 degrees and 40 minutes East 267.6 feet to a point in a canal; thence with the canal North 54 degrees and 37 minutes West 534.8 feet to a stake in the edge of the road crossing said canal; thence crossing said road and running to and with the said canal South 88 degrees 44 minutes West 429 feet to a point in said canal; thence South 11 degrees and 54 minutes West 909.7 feet to a stake West of and on the outside of the wire mesh fence around the Lumberton Junior Chamber of Commerce Fairgrounds; thence South 65 degrees 07 minutes West 772.8 feet to a stake in a pasture; thence South 65 degrees 32 minutes West 803.7 feet to a stake on the West side of a farm road; thence South 72 degrees and 44 minutes West 2703.1 feet to a stake in the East line of the Lumberton Municipal Airport; thence with the line of the Lumberton Municipal Airport the following courses and distances: South 03 degrees 04 minutes West 180.3 feet; South 86 degrees 35 minutes East 56.9 feet; South 41 degrees 56 minutes East 587.7 feet; South 48 degrees 04 minutes West 338.3 feet; South 19 degrees 09 minutes East 3133.3 feet; South 70 degrees 49 minutes West 1914.9 feet; North 43 degrees 38 minutes West 990.7 feet; South 71 degrees 47 minutes West 1756.3 feet; North 75 degrees 36 minutes West 153.3 feet; North 62 degrees 01 minute West 1197.8 feet; North 48 degrees 04 minutes East 2348.8 feet; North 18 degrees 06 minutes West 640.1 feet; North 52 degrees 07 minutes West 1011.2 feet; North 37 degrees 53 minutes East 810.3 feet; North 89 degrees 43 minutes East 426.6 feet; and North 74 degrees 34 minutes East 11.6 feet to a stake in a ditch on the East side of an old tram road, said stake being in the Hargrave-Lumberton Municipal Airport property line; thence leaving the Lumberton Municipal Airport property line and running with and beyond a ditch on the East side of the old tram road North 05 degrees 42 minutes East 1097.4 feet to a point in the center line of U. S. Highway Number 301-A; thence leaving the center line of said highway and running North 38 degrees 43 minutes West 24.66 feet to a stake on the North side of said highway; thence running to and with a ditch on the West side of the Carlton Motel North 00 degrees 56 minutes East 144.1 feet to a stake in said ditch; thence with and beyond said ditch North 07 degrees and 12 minutes West 295.2 feet to an iron stake in the center line of U. S. Highway Number 301 bypass (now Interstate Highway Number 95); thence leaving the center line of said highway and running North 39 degrees and 54 minutes West 130.0 feet to a stake in a ditch in the North right-of-way line of U. S. Highway

Number 301 bypass; thence with the North right-of-way line of said Highway Number 301 bypass and 130 feet at right angles North of the center line thereof North 50 degrees 48 minutes East 1.59 feet to a stake; thence with the North right-of-way line of said U. S. Highway Number 301 bypass and 130 feet at right angles North of the center line thereof the following courses and distances: North 51 degrees 42 minutes East 103.41 feet; North 53 degrees 16 minutes East 103.41 feet; North 54 degrees 24 minutes East 103.41 feet; North 55 degrees 44 minutes East 103.41 feet; North 57 degrees 25 minutes East 103.41 feet; North 59 degrees 07 minutes East 103.41 feet; North 60 degrees 44 minutes East 103.41 feet; North 61 degrees 58 minutes East 103.41 feet; North 63 degrees 10 minutes East 103.41 feet; North 65 degrees 02 minutes East 103.41 feet; North 66 degrees 18 minutes East 103.41 feet; North 67 degrees 52 minutes East 103.41 feet; North 69 degrees 59 minutes East 103.41 feet; North 71 degrees 18 minutes East 103.41 feet; North 72 degrees 05 minutes East 103.41 feet; North 74 degrees 19 minutes East 103.41 feet; North 75 degrees 21 minutes East 103.41 feet; North 77 degrees 09 minutes East 103.41 feet; and North 77 degrees 24 minutes East 36.19 feet to a point in the North right-of-way line of U. S. Highway Number 301 bypass, said point being 130 feet at right angles North of the center line of said highway; thence still with the North line of said highway parallel with and 130 feet at right angles North of the center line of said highway North 77 degrees and 55 minutes East 1771.5 feet to a stake in the North line of said highway, said stake being 130 feet at right angles North of the center line thereof; thence at right angles North 12 degrees 05 minutes West 300 feet to a point, said point being 430 feet at right angles North of the center line of U. S. Highway Number 301 bypass; thence parallel with and 430 feet at right angles North of the center line of U. S. Highway Number 301 bypass the following courses and distances: North 76 degrees 47 minutes East 96.2 feet; North 76 degrees 57 minutes East 96.2 feet; North 77 degrees East 96.2 feet; North 75 degrees 54 minutes East 96.2 feet; North 76 degrees 09 minutes East 96.2 feet; North 74 degrees East 96.2 feet; North 74 degrees East 96.2 feet; North 74 degrees East 96.2 feet; North 72 degrees 55 minutes East 96.2 feet; North 72 degrees 12 minutes East 96.2 feet; North 72 degrees East 96.2 feet; North 71 degrees 13 minutes East 96.2 feet; North 71 degrees 19 minutes East 96.2 feet; North 70 degrees 43 minutes East 96.2 feet; North 69 degrees 44 minutes East 96.2 feet; North 69 degrees 23 minutes East 96.2 feet; North 68 degrees 47 minutes East 96.2 feet; North 68 degrees 17 minutes East 96.2 feet; North 68 degrees 35 minutes East 96.2 feet; North 67 degrees 10 minutes East 96.2 feet; North 66 degrees 55 minutes East 96.2 feet; North 66 degrees 38 minutes East 96.2 feet; North 65 degrees 17 minutes East 96.2 feet; North 65 degrees 36 minutes East 96.2 feet; North 65 degrees East 96.2 feet; North 64 degrees 43 minutes East 96.2 feet; North 64 degrees 08 minutes East 96.2 feet; North 64 degrees 12 minutes East 18.3 feet to a point 430 feet at right angles North of the center line of U. S. Highway Number 301 bypass; thence parallel with and 430 feet at right angles North of the center line of U. S. Highway Number 301 bypass North 63 degrees 31 minutes East 4644.1 feet to an iron stake on the South bank of Lumber

River, said iron stake being 430 feet at right angles northwest of the center line of U. S. Highway Number 301 bypass; thence parallel with and 430 feet at right angles northwest of the center line of said highway North 64 degrees 15 minutes East about 30 feet to a point in the middle of Lumber River; thence with the middle of Lumber River in a generally southeasterly direction about 11,450 feet to a point in the intersection of the center line of the SAL Railroad on the new trestle with the middle of Lumber River; thence leaving Lumber River and running with the center line of the SAL Railroad main line North 64 degrees 06 minutes West about 3100 feet to the beginning.

"No. 8. BEGINNING at a point in the intersection of the center line of 23rd Street with the center line of Elm Street and runs thence with the center line of Elm Street South 4 degrees 15 minutes West about 4000 feet to the intersection of the center line of Elm and Eighth Streets; thence to and with the center line of Eighth Street in a northwesterly direction about 1000 feet to a point in the middle of Lumber River; thence with the middle of Lumber River in a generally northwesterly direction about 9250 feet to a point, said point being 430 feet at right angles northwest of the center line of U. S. Highway Number 301 bypass (now Interstate Highway Number 95); thence leaving the run of Lumber River and running parallel with and 430 feet at right angles northwest of the center line of Interstate Highway Number 95 in a northeasterly direction with the corporate limit line of the City of Lumberton, N. C. about 750 feet to a point; thence still with the corporate limits of the City of Lumberton, N. C. North 06 degrees 10 minutes East about 389 feet to a point in the South right-of-way line of Carthage Road and 30 feet at right angles South of the center line thereof; thence with the 1967 corporate limit line of the City of Lumberton, N. C. and the South line of Carthage Road in a southeasterly direction about 355 feet to an iron stake by the right-of-way fence of Interstate Highway Number 95; thence with the ramp right-of-way line of Interstate Highway Number 95 and the corporate limit line South 23 degrees 39 minutes East about 60 feet to a point in the corporate limit line of the City of Lumberton, N. C. 430 feet at right angles West of the center line of Interstate Highway Number 95; thence with the corporate limit line and 430 feet at right angles West of the center line of Interstate Highway Number 95 in a northeasterly direction about 200 feet to a point on the North side of Carthage Road in the line of property on which there is at present (1967) located a Horne's Restaurant; thence still with the 1967 corporate limits in a southwesterly direction about 212 feet to a corner of the 1967 corporate limit line of the City of Lumberton, N. C. as shown in Book of Maps No. 15, Page 104, Robeson County Registry; thence still with the corporate limit line North 54 degrees 57 minutes East 779.02 feet to an iron stake; thence still with the corporate limits South 50 degrees 10 minutes 532.27 feet to an iron stake in the northwest line of Interstate Highway Number 95 service road right-of-way; thence with the northwest right-of-way line of said service road and the northwest right-of-way line of Interstate Highway Number 95 in a northeasterly direction about 500 feet to a point in the North line of the Old Jennings Mill Property extended, said Old Jennings Cotton Mill Property being shown on a map recorded in Book of Maps No. 7, Page 48, Robeson

County Registry; thence to and with the North line of the Old Jennings Mills Property South 66 degrees 00 minutes East about 1650 feet to a point in the center line of the V & CS Railroad; thence with the center line of the V & CS Railroad South 23 degrees 05 minutes West about 480 feet to a point in the center line of 23rd Street extended; thence to and with the center line of 23rd Street extended, South 85 degrees 45 minutes East about 3285 feet to the beginning."

Sec. 3. Section 5 of Chapter 282, Session Laws of 1965, is hereby repealed except for the last sentence thereof.

Sec. 4. Section 1 of Article II of Chapter 115, Session Laws of 1963, is amended by deleting from the last sentence thereof the following words: "at large in the manner hereinafter set forth", and inserting in lieu thereof the following: "of the precinct or ward in which the councilman resides".

Sec. 5. Section 9 of Article II of Chapter 115, Session Laws of 1963, is amended by adding at the end thereof the following: "The councilman selected to fill the vacancy for the unexpired term, or during a disability as the case may be, shall be a resident of the ward in which the vacancy or disability occurs."

Sec. 6. Section 2(b) of Article III of Chapter 115, Session Laws of 1963, is amended by adding at the end thereof the following new sentence: "The notice of candidacy shall specify thereon the ward or precinct for which the candidate for councilman is filing."

Sec. 7. Section 6(a) of Article III of Chapter 115, Session Laws of 1963, is amended by deleting therefrom that portion beginning with the word "Upon", in line 4, and ending with the word "provided." in line 13 thereof.

Sec. 8. Section 8(a) of Article III of Chapter 115, Session Laws of 1963, is amended by deleting all of the second sentence from the end thereof, which reads as follows: "No ballot cast in the election for the City Council shall be counted if the voter has failed to vote for a number of candidates at least equal to the number of vacancies on the City Council to be filled by the election, and ballots for any lesser number shall be treated as spoiled."

Sec. 9. Section 9(c) of Article III of Chapter 115, Session Laws of 1963, is amended by deleting the first sentence, and inserting in lieu thereof the following: "The candidate for Mayor receiving the highest number of votes, shall be declared elected. The candidate for Councilman, from each ward or precinct, receiving the highest number of votes of the persons running from said ward or precinct, shall be declared elected."

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1967.

H. B. 276 **CHAPTER 238**

AN ACT TO AMEND SECTION 9(43), ARTICLE 2, CHAPTER 153, OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO TAX LEVIES FOR CERTAIN SPECIAL PURPOSES IN CERTAIN COUNTIES AS TO MAKE IT APPLY TO DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. General Statute 153-9(43), as the same appears in the General Statutes, Volume 3C and Supplements thereto, is hereby amended by inserting the word and comma "Davie," following the word and comma "Currituck," and preceding the word "Edgecombe" in the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1967.

H. B. 447 **CHAPTER 239**

AN ACT RELATING TO MOSQUITO CONTROL IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1, Chapter 238, Session Laws of 1961, is amended by inserting in line three thereof, after the word "In" and before the word "Pamlico", the word and punctuation "Beaufort,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of April, 1967.

H. B. 486 **CHAPTER 240**

AN ACT AMENDING CHAPTER 144 OF THE SESSION LAWS OF 1965 ENTITLED "AN ACT AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927 ENTITLED 'AN ACT CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFOR AND FOR THE ASSESSMENT OF ALL OR A PART OF THE COST THEREOF', AS AMENDED, AS THE SAME RELATES TO THE CITY OF WINSTON-SALEM."

The General Assembly of North Carolina do enact:

Section 1. Chapter 144 of the Session Laws of 1965 is hereby amended by adding a new paragraph at the end of Section 1 thereof, to read as follows:

"With respect to projects assessed on a flat-rate basis as hereinabove authorized, preliminary assessment rolls may be filed and assessments may

be confirmed without awaiting the governing body's determination of the cost of the particular improvement project to which the assessment applies, as required under Section 13 of Chapter 224 of the Private Laws of 1927, provided, however, that (1) the assessment shall not be confirmed prior to the completion of the project and (2) it shall nevertheless be incumbent upon the governing body to determine the cost of the project as soon as practicable after the completion thereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply only to the City of Winston-Salem.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Asembly read three times and ratified, this the 26th day of April, 1967.

H. B. 450 CHAPTER 241

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 160 OF THE GENERAL STATUTES RELATING TO MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-32 is hereby amended by striking out of the sixth and seventh lines thereof the words "cause a notice to be served upon the registrars by the sheriff of the county or the township constable" and by inserting in lieu thereof the words "notify the persons selected".

Sec. 2. G. S. 160-44 is hereby amended by striking out of the second and third lines thereof the words "Eastern Standard Time".

Sec. 3. G. S. 160-49 is hereby amended by striking out of the second line thereof the words and punctuation "twelve o'clock m., at the mayor's office", and by inserting in lieu thereof the words "twelve o'clock noon at a place designated by the board of commissioners".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1967.

H. B. 479 CHAPTER 242

AN ACT TO MAKE APPLICABLE TO THE TOWN OF MORGANTON, EFFECTIVE AS OF OCTOBER 7, 1968, THE PROVISIONS OF G. S. 105-422 RELATING TO THE LIMITATION OF ACTIONS ON TAX LIENS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in the 1965 Supplement to Replacement Volume 2D of the General Statutes of North Carolina, is hereby amended by striking out the words and punctuation: "municipalities in Burke County," immediately after the words "apply to" in line 12 thereof, and immediately before the word "Ashe" in line 13, and by adding at the end of said Section the following sentence: "This Section shall apply

to the City of Morganton on and after October 7, 1968, but shall not apply to the other municipalities in Burke County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of April, 1967.

H. B. 480 CHAPTER 243

AN ACT RELATING TO AD VALOREM PROPERTY TAX PENALTIES AND DISCOUNTS FOR THE TOWN OF MORGANTON.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Notwithstanding any of the provisions of this Section, there shall be no discount allowed for the prepayment of property taxes owed to the City of Morganton. Any property taxes due to the City of Morganton which are paid on or before the first day of February of the year following the year in which the same are due, shall be paid at par or face amount. When the tax is paid during the month of February after the year in which the same is due and payable, there shall be added to the tax, interest at the rate of one per cent (1%). When the tax is paid during the month of March following the year in which the same is due, there shall be added to the tax, interest at the rate of two per cent (2%). When the tax is paid on or after the first day of April following the year in which the same is due and payable, there shall be charged, in addition to the two per cent (2%), an additional interest at the rate of one half of one per cent (½ of 1%) per month, or fraction thereof, on the principal amount from said date."

Sec. 2. Chapter 182 of the Session Laws of 1953 and Chapter 126 of the Session Laws of 1965 are hereby repealed, insofar as the same relate to the discounts and penalties applicable to prepayment or late payment of ad valorem property taxes owed to the City of Morganton.

Sec. 3. This Act shall apply only to the City of Morganton.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on July 1, 1967, and the same shall apply only to taxes due for the taxable year 1968 and thereafter.

In the General Assembly read three times and ratified, this the 27th day of April, 1967.

H. B. 657 CHAPTER 244

AN ACT APPOINTING CERTAIN MEMBERS OF THE FAIRMONT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to the provisions of Chapter 307, Session Laws of 1955, James R. Oliver, W. Linwood Floyd and William L. Brady, Jr. be and they are hereby appointed members of the Fairmont City Board of Education, formerly designated as the Board of Trustees of the Fairmont

City Administrative School Unit, for terms of four years each from and after July 1, 1967, and until their respective successors are duly appointed and qualified.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1967.

S. B. 197 CHAPTER 245

AN ACT TO AUTHORIZE A REFERENDUM IN THE CITY OF KINGS MOUNTAIN ON OFF-PREMISES SALES OF BEER AND WINE AND ALCOHOLIC BEVERAGE CONTROL STORES.

WHEREAS, a petition has been received by the Board of Commissioners of the City of Kings Mountain requesting a special election on the off-premises sale of beer and wine and the establishment of alcoholic beverage control stores, and the City Clerk has certified that such petition bears the signatures of qualified voters equal in number to thirty-two per cent (32%) of the votes cast in the most recent city election: Now therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the City of Kings Mountain shall, on June 13, 1967, conduct a special election in the city upon the question of whether off-premises sales of beer and wine shall be permitted and whether alcoholic beverage control stores shall be established in the city. No new registration of voters shall be necessary for such special election, and all qualified voters of the city who are registered prior to the registration period herein provided and all who register during such period shall be entitled to vote in such special election. The registration books shall be open for two weeks, beginning on May 22, 1967, and continuing through June 3, 1967, for the registration of new voters. Challenge day shall be June 10, 1967. Notice of such special election shall be published at least once in each of the four calendar weeks immediately preceding the day of election in a newspaper having general circulation within the city. Except as otherwise provided herein, the special election shall be conducted in accordance with the laws, rules, and regulations governing regular city elections.

Sec. 2. At such special election, ballots shall be provided which contain the words "For City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine" and "Against City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", with appropriate squares so that each voter may designate by his cross (X) mark his preference.

Sec. 3. If a majority of the votes cast at such special election shall be cast "For City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", then (a) the off-premises sale of beer and wine shall thereafter be lawful within the City of Kings Mountain and the Board of Commissioners shall issue appropriate licenses for such sales to all qualified applicants; and (b) it shall thereafter be lawful for alcoholic beverage

control stores to be established and operated within the city and the Board of Commissioners shall immediately create the City of Kings Mountain Alcoholic Beverage Control Board, to be composed of a chairman and two other members. The chairman and members shall be appointed by the Board of Commissioners. The member designated as chairman shall serve for a term of three years; one member shall serve for a term of two years, and one member for a term of one year. After the initial terms, successors shall be appointed for terms of three years. Any vacancy on such board shall be filled by the Board of Commissioners for the unexpired term. Compensation of the members of the board shall be fixed by the Board of Commissioners.

Sec. 4. The City of Kings Mountain Alcoholic Beverage Control Board shall have all the powers granted to, and duties imposed upon, county alcoholic control boards by G. S. 18-45 and shall be subject to the powers and authority of the State Board of Alcoholic Control as granted by G. S. 18-39; provided, however, that G. S. 18-45(15) and G. S. 18-39(10) shall not be applicable to the City of Kings Mountain Alcoholic Beverage Control Board.

Sec. 5. Out of the net annual revenue from the operation of alcoholic beverage control stores remaining after payment of all costs and operating expenses and after retaining sufficient working capital in an amount determined by it, the City of Kings Mountain Alcoholic Beverage Control Board shall appropriate for law enforcement purposes an amount not less than five per cent (5%) nor more than ten per cent (10%) of such net annual revenue, and may, in its discretion, expend for education as to the effects of the use of alcoholic beverages and for the rehabilitation of alcoholics an amount not to exceed five per cent (5%) of such net annual revenue; in the appropriation of funds for law enforcement purpose, the board may, with the approval of the Board of Commissioners of the City of Kings Mountain, employ one or more city alcoholic beverage control officers. Twenty-five per cent (25%) of the remaining net annual revenue shall be paid to the Board of Education of the Kings Mountain City Administrative Unit, five per cent (5%) of which shall be used solely for the purpose of supplementing the salaries of public school teachers in the Kings Mountain City Administrative Unit, and twenty per cent (20%) of which shall be used solely for the purpose of supplementing the other normal public school expenditures within the Kings Mountain City Administrative Unit. The remainder of the net annual revenue shall be paid to the City of Kings Mountain to be used for any authorized city function or purpose. The Alcoholic Beverage Control Board may, with the approval of the Board of Commissioners of the City, appropriate or pay out the funds authorized by this Section on a quarterly basis after sufficient working capital has initially been set aside.

Sec. 6. In the event a majority of the votes cast in the special election authorized by Section 1 or in any subsequent special election authorized by this Section shall be cast "Against City Alcoholic Beverage Control Stores and Off-Premises Sale of Beer and Wine", then the Board of Commissioners of the City of Kings Mountain shall, upon receipt of a petition signed by registered voters equal in number to twenty-five per cent (25%) of the registered voters who voted for mayor in the most recent regular

city election, call a special election upon the establishment of alcoholic beverage control stores and the off-premises sales of beer and wine, to be conducted in accordance with the laws, rules, and regulations governing regular city elections; provided, that no special election shall be conducted under authority of this Section within three years following the special election authorized by Section 1 or within one year of any other special election authorized by this Section. In any special election authorized by this Section, the ballots shall comply with Section 2. The provisions of Sections 4, 5, and 6 of this Act shall govern the operation of any alcoholic beverage control stores established by a subsequent special election authorized by this Section.

Sec. 7. Nothing in this Act shall be construed so as to deny the application of Article 11 of Chapter 18 of the General Statutes to the City of Kings Mountain.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

S. B. 217 CHAPTER 246

AN ACT TO MAKE G. S. 160-181.2 APPLICABLE TO THE TOWNS OF HILLSBOROUGH AND MEBANE AND TO EXPAND THE ZONING AUTHORITY OF THE TOWN OF MEBANE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2, as the same appears in the 1965 Supplement to 1964 Replacement Volume 3D of the General Statutes, is hereby amended by striking out of the fifth line of the last paragraph thereof the word "Orange".

Sec. 2. In addition to the authority granted by G. S. 160-181.2, the Town of Mebane is hereby authorized to exercise all the zoning powers granted by Article 14, Chapter 160, of the General Statutes in that area outside its corporate limits within Orange County lying beyond the extraterritorial zoning boundary authorized by G. S. 160-181.2, which area is described as follows:

BEGINNING at a point in the center of N. C. Railroad, said point being approximately 800 feet West of the point where the center line of N. C. Public Road 1373 intersects the said railroad (said N. C. Public Road 1373 being the road which connects N. C. Public Road 1302 and N. C. Highway No. 70-A); running thence with the center of N. C. Railroad, in a southeasterly direction, for an approximate distance of 4800 feet to a point where the center of said N. C. Railroad and N. C. Public Road 1114 intersect; running thence with the center of said N. C. Public Road 1114, in a southerly direction, approximately 2040 feet to a point where the center of N. C. Public Road 1114 and Interstate Highway No. 85 intersect; thence with the center line of the median of Interstate Highway No. 85 in a westerly direction approximately 7200 feet to the Town of Mebane's extraterritorial line (said point being approximately 1200 feet West of N. C. Public Road 1302 where it crosses Interstate Highway 85); running

thence with the extraterritorial line of the Town of Mebane in a northeasterly direction approximately 5025 feet to the BEGINNING.

Sec. 3. It is the intention of this Act that the powers granted to any municipality by this Act or by G. S. 160-181.2 shall be in addition to and supplementary to any similar powers granted in any other law, general or local, and not in substitution therefor.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

S. B. 246 CHAPTER 247

AN ACT TO AMEND CHAPTER 569, SESSION LAWS OF 1947, RELATING TO THE OPERATION OF POOL ROOMS IN ROBESON COUNTY ON SUNDAY, SO AS TO EXCLUDE THE CITY OF LUMBERTON THEREFROM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 569, Session Laws of 1947, is hereby amended by adding a new Section immediately following Section 3, to be designated "Sec. 3.1", and to read as follows:

"Sec. 3.1. This Act shall not be applicable in the City of Lumberton."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

S. B. 261 CHAPTER 248

AN ACT TO REQUIRE THE CITY OF LUMBERTON TO REIMBURSE THE ROBESON COUNTY BOARD OF ELECTIONS FOR EXPENSES INCURRED IN ESTABLISHING PRECINCTS WITHIN THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The City of Lumberton is hereby authorized and required to reimburse the Robeson County Board of Elections for all expenses incurred in surveying and establishing the election precincts in the City of Lumberton.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

S. B. 263 **CHAPTER 249**

AN ACT TO PROVIDE COMPENSATION FOR THE CHAIRMAN AND MEMBERS OF THE ROBESON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The chairman of the Robeson County Board of Education shall receive, as compensation, the sum of seventy-five dollars ($75.00) per month, and the other members of the Board of Education shall receive as compensation the sum of fifteen dollars ($15.00) for each meeting of the board attended. In addition, the chairman and each member of the Robeson County Board of Education shall receive a travel allowance of eight cents (8¢) per mile for attending meetings of the board, said mileage to be computed on the basis of one round trip per meeting from the member's residence to the place where the meeting is held.

Sec. 2. The compensation provided in Section 1 of this Act shall be paid from the current expense budget of the Robeson County Board of Education.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 115 **CHAPTER 250**

AN ACT TO REPEAL CHAPTER 417 OF THE PUBLIC LAWS OF 1933, RELATING TO THE SALE OF BEER AND LIGHT WINES IN OR NEAR THE TOWN OF ELON COLLEGE IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be lawful, subject to all the provisions of Chapter 18 of the General Statutes of North Carolina, to sell beer and wine for off-premise consumption only within the corporate limits of the Town of Elon College.

Sec. 2. It shall be unlawful to sell beer and wine for on-premise consumption within one mile of the Alamance Building, located on the campus of Elon College.

Sec. 3. Chapter 417, Public Laws of 1933, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 413 **CHAPTER 251**

AN ACT TO AMEND SECTION 6(e) OF CHAPTER 708 OF THE 1943 SESSION LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Section 6(e) of Chapter 708 of the 1943 Session Laws of North Carolina be and the same is hereby amended by adding at the end of said Section the following:

"Provided, further, that any employee, who has 20 years or more continuous service with the City of Wilmington and whose position is abolished by an Act of the Legislature while so employed before he or she reaches 60 years of age, may elect to have his or her employment status frozen at the time employment is terminated and be eligible for retirement upon attaining the age of 60 years, as otherwise provided herein."

Sec. 2. That all laws or clauses of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 414 **CHAPTER 252**

AN ACT TO AMEND CERTAIN PRIVATE LAWS RELATING TO POLICE, FIREMEN AND GENERAL EMPLOYEES PENSION FUNDS IN THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. Section 1, Chapter 1175, Session Laws of 1951, is amended by rewriting said Section in its entirety as follows:

"Section 1. That the Police Pension Fund of Wilmington, North Carolina, as created by Chapter 55, Private Laws of 1915 and laws amendatory thereof, shall be operated by a board of trustees as hereinafter set forth, and said board, when appointed as herein provided, shall have and be vested with all of the powers and duties as trustees as heretofore provided by the Acts aforesaid. Said board of trustees shall consist of four members, one member shall be appointed by the Council of the City of Wilmington, one member shall be appointed by the Wilmington Police Department, and the third member of said board shall be selected and appointed by the first two members appointed as aforesaid, and the Director of Finance of the City of Wilmington is hereby designated as a member of the board of trustees without voting power and all said members of said board shall serve without compensation."

Sec. 2. Chapter 55, Private Laws of 1915, is hereby amended by repealing Section 3 thereof and substituting in lieu thereof the following:

"Sec. 3. The Director of Finance shall be the Treasurer for the fund herein provided for and all securities and property held or hereafter acquired under and by virtue of this Act and all funds to be raised, shall be collected, kept and deposited by him to the credit of such fund in banks or trust companies to be selected by him subject to the approval of said

board of trustees and to their control as in this Act provided. All payments by or on behalf of said fund shall be made by him on vouchers to be filed with him by means of checks."

Sec. 3. Chapter 26, Private Laws of 1937, is hereby amended by substituting the words "Director of Finance" in said Act for the words "City Clerk and Treasurer" wherever the same shall appear in said Act and is further amended by striking from Section 1, lines 19 through 21, of said Act, the following punctuation and words:

", and shall receive for his services a compensation to be allowed by the board of trustees for the Treasurer or clerical assistance." Section 1 is further amended by placing a period after the word "Fund" in line 19 thereof.

Sec. 4. Chapter 708, Session Laws of 1943, is hereby amended by substituting the words "Director of Finance" for the words "City Clerk" in line 8 of Section 1 thereof.

That Section 1 be further amended by rewriting the second paragraph thereof to read as follows:

"That the Director of Finance or any other person selected by the trustees shall be the Clerk and Treasurer of said retirement fund and shall receive no compensation for his services."

Sec. 5. Section 7(a) of Chapter 708, Session Laws of 1943, is amended by rewriting said Section in its entirety as follows:

"That the Director of Finance shall cause to be deducted four per cent (4%) from the monthly salary of each employee member and pay said amount to the retirement fund."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 415 CHAPTER 253

AN ACT TO AMEND CHAPTER 1046, SESSION LAWS OF 1963, RELATING TO THE CHARTER OF THE CITY OF WILMINGTON IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 9.6 of Article IX of Chapter 1046, Session Laws of 1963, is rewritten to read as follows:

"Sec. 9.6. Oath of Office Required. Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take the oath prescribed for public officers before some person authorized to administer oaths: the City Manager, City Clerk, Tax Collector, any assistant City Clerk or assistant Tax Collector, City Treasurer, Chief of Police and each member of the police force, the building inspector and all employees empowered to enforce the building code."

Sec. 2. Section 11.3 of Article XI of Chapter 1046, Session Laws of 1963, is rewritten to read as follows:

"Sec. 11.3. Powers and Duties Generally; Promulgation of Rules and Regulations; Certain Powers Retained by City Council.

"The Civil Service Commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as police officers or firemen of such municipality. No person or applicant shall be eligible for permanent employment as a fireman or as a police officer except by majority action of the Civil Service Commission. The Civil Service Commission shall make all necessary rules and regulations relating to the requirements of applicants. Such rules and regulations governing the applicants shall be printed and made available for public inspection provided that all administrative and other powers and authority of such departments as are not specifically delegated in this Article to the Civil Service Commission are and shall be retained by the Council of the City of Wilmington. Provided, however, that police officers and firemen may be hired on a temporary basis for a period not to exceed 18 months, provided, however, that not later than the end of their sixteenth month of employment their names shall be furnished to the Commission and they shall be required to appear before the Civil Service Commission and take such examination as in the discretion of the Civil Service Commission is required. Upon failure of the Civil Service Commission to certify any such temporary employee he shall be removed from the payroll of the City of Wilmington not later than his eighteenth month of employment."

Sec. 3. Section 11.7 of Article XI of Chapter 1046, Session Laws of 1963, is rewritten to read as follows:

"Sec. 11.7. Examination of Applicants for Police Officers or Firemen—Required; Nature of Examination; Regulations as to Moral Character of Applicants; Credit for Prior Experience and Service; Age of Applicants.

"All applicants for positions of police officers or firemen of the City of Wilmington shall be subject to a written examination which shall be competitive and free to all persons possessing the right of suffrage and meeting all requirements that have been prescribed by such city subject to reasonable and proper limitations as to age, health and moral character, which examinations shall be practical in their character and shall relate to those matters tending to fairly test the capacity and qualification of the applicants to discharge the duties of the position to which they seek employment and shall include examinations as to physical and mental qualifications as well as general fitness; but no person shall be appointed as a fireman or police officer who is less than 21 years of age or exceeds 35 years of age except in case of a former employee of either department of the city who has served continuously for three years or more in either of such departments of such city, who had a good record in either of such departments, who was not dismissed therefrom for cause, and who is not over 40 years of age."

Sec. 4. Section 11.8 of Article XI of Chapter 1046, Session Laws of 1963, is hereby repealed.

Sec. 5. Section 27.5 of Article XXVII of Chapter 1046, Session Laws of 1963, is rewritten to read as follows:

"Sec. 27.5. Oath of Members of Force.

"The members of the police force shall take oath before some person authorized to administer oaths for the faithful performance of their duties imposed by law and the ordinances of the City."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 483 CHAPTER 254

AN ACT TO MAKE MORE SPECIFIC THE TIME SPECIFIED IN CHAPTER 102, SESSION LAWS OF 1967.

The General Assembly of North Carolina do enact:

Section 1. Chapter 102, Session Laws of 1967, which was House Bill No. 155, ratified March 28, 1967, is hereby amended by inserting immediately following the phrase, "within the past three years", at both places therein where said phrase appears, a comma, and after the comma inserting the phrase, "from March 28, 1964, to March 28, 1967,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 534 CHAPTER 255

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF PASQUOTANK COUNTY TO CONVEY TO THE MUSEUM OF THE ALBEMARLE, INC., CERTAIN PROPERTY ON WHICH THE MUSEUM IS LOCATED.

The General Assembly of North Carolina do enact:

Section 1. In order to promote the best interests of the Museum of the Albemarle and in order to provide for its better operation and insure its perpetuation, and in order to benefit Pasquotank County, the surrounding region and all of North Carolina, the Board of County Commissioners of Pasquotank County is hereby authorized to convey without consideration to the Museum of the Albemarle, Inc., the one acre of land owned by the county, on which the Museum is situated, and which is described in a deed from C. P. Harris, et al, to Pasquotank County, dated April 11, 1949, of record in Book 136, page 213, in the office of the Register of Deeds of Pasquotank County, as follows:

"BEGINNING at a point on the West side of U. S. Highway No. 17, the southeast corner of a farm lane; thence along the westerly boundary of said U. S. Highway No. 17 North 46 degrees 30 minutes East 208.71 feet to a concrete post; thence North 43 degrees 30 minutes West 208.71

feet to a concrete post; thence South 46 degrees 30 minutes West 208.71 feet to a concrete post; thence along the easterly side of said farm lane South 43 degrees 30 minutes East 208.71 feet, to the point of beginning, and being tract of land on which the North Carolina State Highway Patrol is now constructing a building."

Said Board is also authorized to convey to said nonprofit corporation all right, title and interest of the county in and to the easterly one half of the farm lane along the westerly line of the above conveyance and of the northerly one half of U. S. Highway No. 17 along the South line of the above described property.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 547 CHAPTER 256

AN ACT TO MAKE GS 14-335, RELATING TO PUNISHMENT FOR PUBLIC DRUNKENNESS, APPLICABLE TO BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection 11 of G. S. 14-335, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting the word "Brunswick", immediately after the word "In" in line 1 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of April, 1967.

H. B. 641 CHAPTER 257

AN ACT AUTHORIZING AN ELECTION ON THE QUESTION OF REORGANIZING AND MERGING THE RICHMOND COUNTY SCHOOL ADMINISTRATIVE UNIT, THE HAMLET CITY SCHOOL ADMINISTRATIVE UNIT, AND THE ROCKINGHAM CITY SCHOOL ADMINISTRATIVE UNIT INTO ONE SCHOOL ADMINISTRATIVE UNIT UNDER ONE BOARD OF EDUCATION FOR ALL THE PUBLIC SCHOOLS IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Immediately after ratification of this Act, the Board of County Commissioners of Richmond County shall call a county-wide election and fix the date for same, said date to be not later than June 10, 1967, on the question of reorganizing and merging the Richmond County School Administrative Unit, the Hamlet City School Administrative Unit, and the Rockingham City School Administrative Unit into one school administrative unit to be known as the "Richmond County School Administrative Unit" to be administered by one board of education to be known as the "Richmond

County Board of Education" as hereinafter described and constituted. The election shall be conducted in accordance with the provisions of G. S. 115-122 and related statutes governing elections and all qualified voters registered in Richmond County shall be eligible to vote. The ballot submitted to the voters shall contain substantially the following:

"FOR reorganizing and merging the Richmond County School Administrative Unit, the Hamlet City School Administrative Unit, and the Rockingham City School Administrative Unit into one school administrative unit under one board of education for all the public schools in Richmond County."

"AGAINST reorganizing and merging the Richmond County School Administrative Unit, the Hamlet City School Administrative Unit, and the Rockingham City School Administrative Unit into one school administrative unit under one board of education for all the public schools in Richmond County."

Sec. 2. If, upon certification of the results of the election, a majority of those voting in the election shall favor the question, this Act shall become operative, and the three school administrative units named in Section 1 of this Act together with their respective boards of education shall be dissolved as of July 1, 1967 and thereafter all the public schools of Richmond County shall operate as a part of the Richmond County School Administrative Unit and shall be under the jurisdiction of the Richmond County Board of Education which shall consist of nine members elected for six-year terms, except that the initial board shall consist of three persons to be named by the 1967 General Assembly whose terms shall expire on the first Monday in December, 1968; three persons to be named by the 1967 General Assembly whose terms shall expire on the first Monday in December, 1970; and three persons to be named by the 1967 General Assembly whose terms shall expire on the first Monday in December, 1972; or, until their successors are elected and qualified, in each and every case, as hereinafter provided. The members of the board of education as named in this Section shall take the oath of office on the first Monday in July, 1967, or as soon as practicable thereafter, and shall immediately organize itself by electing a chairman, vice-chairman, and such other officers as may be required and consistent with the public school laws of North Carolina as defined in Chapter 115 of the General Statutes. Officers so elected shall serve until the first Monday in December, 1968, when, after the board shall have been reconstituted as provided in Section 3 of this Act, and annually thereafter, it shall reorganize itself by electing its officers for a term of one year. The superintendent of schools shall serve as secretary to the board.

Sec. 3. At the primary and the general election to be held in Richmond County in 1968, and biennially thereafter, at the same time and in the same manner as candidates are nominated and elected for all other offices, boards, and commissions in Richmond County, the qualified voters of Richmond County shall elect three persons to fill the three vacancies on the board of education caused by expiration of terms. Effective with the election of 1968, and biennially thereafter, persons elected to membership on the board of education shall serve a term of six years or until their successors are elected and qualified. Any resident and qualified voter of

Richmond County shall be eligible, by paying a filing fee of ten dollars ($10.00), to file with the board of elections for nomination and election to the board of education. Persons elected to membership on the board of education in the general election held in 1968, and biennially thereafter, shall qualify by taking the oath of office on or about the first Monday in December following their election and their term of office shall become effective with the date of their qualification.

Sec. 4. If by reason of death, disability, resignation or similar cause a vacancy should occur in the membership of the board of education, either with the board named in Section 2 of this Act or thereafter, said vacancy shall be filled by the remaining members of the board. A person selected to fill a vacancy shall serve the remainder of the unexpired term of the person creating or causing the vacancy. All vacancies shall be filled within 30 days after the vacancy occurs. In the event the vacancy is not filled within 30 days, the vacancy shall be filled by the State Board of Education in accordance with Chapter 115 of the General Statutes of North Carolina.

Sec. 5. Effective July 1, 1967, the board of education named in Section 2 of this Act and their successors in office shall receive and hold all assets, liabilities, obligations, and properties heretofore held by the Richmond County, Hamlet City, and Rockingham City Boards of Education and said boards of education shall transfer to the newly created Richmond County Board of Education all documents, contracts, and agreements relating to each and all of the public schools existing within the newly reorganized Richmond County School Administrative Unit. The newly created board of education shall likewise have authority to consolidate any and all budgets which shall have been previously prepared by the three separate boards and approved by the board of county commissioners.

Sec. 6. The Richmond County Board of Education named in Section 2 of this Act shall, at its first meeting on or about the first Monday in July 1967, elect a superintendent for a two-year term expiring July 1, 1969. At the same time the board shall have authority, upon recommendation of the superintendent, to elect such assistant superintendents and other personnel as shall be required for the efficient administration and operation of the Richmond County School Administrative Unit. The term of office and the period of service for all personnel elected then and thereafter shall be subject to and in accordance with the provisions of the General Statutes of North Carolina and the rules and regulations of the State Board of Education governing school personnel, except that after the initial election set forth in this Section the superintendent shall be elected on or about the first Monday in April, 1969, and biennially thereafter, for a term of two years beginning July 1 next following his election.

Sec. 7. If a majority of the voters voting in the election required under this Act shall favor the reorganization and merger of the three school administrative units into one administrative unit the supplemental school tax currently authorized in each of the three separate units shall be continued, at the same rate, as a county-wide tax authorization and the board of county commissioners shall have authority to levy against the authorization in approving supplemental budgets submitted by the board of education for operating all the schools of the merged Richmond County School Administrative Unit.

Sec. 8. The board of education, in preparing its annual budget for review and approval of the board of county commissioners, shall have authority to request, as a part of its budget, funds with which to pay its members per diem and reimbursement for travel and necessary expenses incurred in the performance of official duties.

Sec. 9. All laws and clauses of laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 252

CHAPTER 258

AN ACT TO AMEND GS 115-18, TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-18 is hereby amended by adding at the end thereof the following:

"The Board of Education in Bladen County shall consist of five members, to be nominated and elected by the voters of the entire County, and the present members of the Board of Education shall continue to hold office until their successors are elected and qualified as herein provided."

Sec. 2. At the primary and general election to be held for County officers in Bladen County in 1968, there shall be nominated and elected five members of the Board of Education. In the general election of 1968, the two candidates receiving the highest number of votes shall be elected for a term of four years, and the three candidates receiving the next highest number of votes shall be elected for a term of two years. In 1970 and biennially thereafter, there shall be nominated and elected members of the Board of Education to take the place of the members whose terms next expire, and the persons so elected shall serve for terms of four years.

The members elected in 1968 and thereafter shall take office on the first Monday of December in the year said members are elected.

In the event two or more candidates receive the same number of votes in the 1968 election, the County Board of Elections shall determine which candidates are elected for a term of four years and which candidates are elected for two-year terms.

Sec. 3. The provisions of Article 5, Chapter 115 of the General Statutes, shall apply to the Bladen County Board of Education except as modified by this Act.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 354 **CHAPTER 259**

AN ACT TO ALLOW PERSONS ENGAGED IN THE BUSINESS OF FARMING TO DEDUCT FOR INCOME TAX PURPOSES LAND CLEARING EXPENSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-147 is hereby amended by adding a new paragraph to subdivision (1) to be designated "e." and to read as follows:

"e. As to taxpayers engaged in the business of farming, reasonable expenses paid during the income year for the purpose of clearing land to make such land suitable for the purpose of farming to the extent allowable under Section 182 of the Internal Revenue Code of 1954 as amended."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective and apply to all income tax years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 440 **CHAPTER 260**

AN ACT TO PLACE CERTAIN EMPLOYEES OF THE ATTORNEY GENERAL'S OFFICE UNDER THE PROVISIONS OF THE STATE PERSONNEL SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 114-4, as the same appears in the 1966 Replacement Volume 3A of the General Statutes, is hereby amended by striking all of said sentence immediately following the words "assistant attorneys general" in line three and inserting in lieu thereof the words "shall be subject to all the provisions of Chapter 126 of the General Statutes relating to the State Personnel System."

Sec. 2. G. S. 114-9.1, as the same appears in the 1966 Replacement Volume 3A of the General Statutes, is hereby amended by striking out all of said Section following the words "Revisor of Statutes" in line three and inserting in lieu thereof the words "and he shall be subject to all the provisions of Chapter 126 of the General Statutes relating to the State Personnel System."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 455 **CHAPTER 261**

AN ACT TO REORGANIZE AND MERGE THE ANSON COUNTY ADMINISTRATIVE SCHOOL UNIT, THE WADESBORO CITY SCHOOL ADMINISTRATIVE UNIT AND THE MORVEN CITY SCHOOL ADMINISTRATIVE UNIT INTO ONE SCHOOL ADMINISTRATIVE UNIT UNDER ONE BOARD OF EDUCATION FOR ALL THE PUBLIC SCHOOLS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after July 1, 1967, the Wadesboro City Board of Education shall cease to exist and the terms of office of the members of its Board of Education shall end and terminate, and said Wadesboro City Board of Education shall no longer operate and administer any of the public schools in the Wadesboro City Administrative Unit. On and after July 1, 1967, the Morven City Board of Education shall cease to exist and the terms of office of the members of its Board of Education shall end and terminate, and said Morven City Board of Education shall no longer operate and administer any of the public schools in the Morven City Administrative Unit.

Sec. 2. On and after July 1, 1967, all of the public schools of Anson County shall operate as a part of the Anson County School Administrative Unit and said public schools shall be under the jurisdiction, administration and operation of the Anson County Board of Education which shall consist of seven members elected for six-year terms of office, except that the initial Board of Education which shall assume authority on July 1, 1967, shall consist of the following: Glenn K. Martin, whose term of office shall expire on the first Monday in December, 1970; G. E. Tucker, whose term of office shall expire on the first Monday in December, 1972; and J. P. Adcock, whose term of office shall expire on the first Monday in December, 1974. The above three members being from the geographical area of the present Anson County School Administrative Unit. There shall be two members from the present geographical area of the Wadesboro School Administrative Unit, as follows: J. D. McLeod, whose term of office shall expire on the first Monday in December, 1970, and James A. Hardison, Jr., whose term of office shall expire on the first Monday in December, 1972; and, two members being from the geographical area of the present Morven School Administrative Unit, as follows: W. E. Steagall, Jr., whose term of office shall expire on the first Monday in December, 1970, and, Charles Ratliff, whose term of office shall expire on the first Monday in December, 1974; or, until their successors are elected and qualified, in each and every case, as hereinafter provided. The members of said Anson County Board of Education as named in this Section shall take the oath of office on July 1, 1967, or as soon as practicable thereafter, and shall immediately organize itself by electing a chairman, vice-chairman, and such other officers as may be required and consistent with the public school law as set forth in Chapter 115 of the General Statutes, as amended. The Superintendent of Schools shall serve as secretary to the Board.

Sec. 3. At the primary and general election to be held in Anson County in the year 1970, there shall be nominated and elected three members of

said Anson County Board of Education whose terms of office shall be for six years. The nomination and election of said members shall be at the same time and in the same manner as candidates are nominated and elected for county officers and shall be governed by the applicable provisions of Chapter 163 of the General Statutes, as amended, pertaining to primaries and elections for county officers. At the primary and general election to be held for the nomination and election of county officers for the year 1972, there shall be nominated and elected three members of the Anson County Board of Education whose terms of office shall be for six years, and at the primary and general election for county officers of Anson County to be held in the year 1974, there shall be nominated and elected one member of the Anson County Board of Education whose term of office shall be for six years. All candidates elected to membership on the Anson County Board of Education shall qualify by taking the oath of office on or about the first Monday in December following their election and their term of office shall become effective with the date of their qualification. All candidates elected to membership on the Anson County Board of Education shall hold their offices until their successors are elected and qualified. Thereafter, as vacancies occur in the office or offices of the members of the Anson County Board of Education by reason of the expiration of terms of office, there shall be nominated and elected the required number of members of said Board of Education for the purpose of filling said vacancies, and all successors in said office or offices shall be nominated and elected for terms of office of six years each.

Sec. 4. All candidates for nomination and election as members of the Anson County Board of Education shall be residents and electors of Anson County and shall file a written notice with the Chairman of the Anson County Board of Elections stating their name, age and residence and in case there is more than one vacancy to be filled on said Board of Education the candidate shall state in said notice the particular vacancy for which he is a candidate, and in addition thereto the said notice shall be filed with the Chairman of the Anson County Board of Elections at least 30 days on or before the date of said primary. All candidates for election to membership to said Anson County Board of Education shall be voted on at large by the eligible voters and electors of Anson County, and in case there shall be more than one candidate then the candidates receiving the highest number of votes shall be nominated and elected, and there shall be no second primary. All vacancies on the first or initial Anson County Board of Education caused by death, resignation, removal or change of residence, removal from office or otherwise, shall be filled by the remaining members for the unexpired term of office but such appointments to fill vacancies on the first or initial Anson County Board of Education shall be filled or made by persons residing within the geographical area from which said initial appointments were made. All vacancies on the Anson County Board of Education composed of the elected members and caused by the reasons set forth above shall be filled by the remaining members of the Anson County Board of Education for the unexpired term. The members of the Anson County Board of Education, including the first or initial Board of Education as herein provided, shall be paid the sum of ten dollars ($10.00)

per day for each day of their official meetings for the transaction of official business.

Sec. 5. The supplemental tax heretofore authorized and levied for the benefit of the public schools located in the Wadesboro City Administrative Unit shall continue to be levied and collected according to the previous authorization and the proceeds of said tax levy shall continue to be used to increase and enrich the public school program and for the benefit of the children of said Wadesboro City Administrative Unit in which said supplemental tax is levied. The Commissioners of the Town of Wadesboro, the governing authority of said Town of Wadesboro, shall nominate two members and the Board of Commissioners of Anson County shall nominate one member and all three nominees shall be sent to the Anson County Board of Education who shall appoint said nominees as members of a district school committee for the territory in the Wadesboro City Administrative Unit. Each of said members of said school committee shall be appointed for a term of two years, and said school committee shall submit annually a budget to the Anson County Board of Education as to the expenditures of the proceeds from said supplemental tax levy and shall also annually make recommendations to the Board of County Commissioners of Anson County as to what portion, if any, of said supplemental tax shall be levied. In this connection said school committee shall perform the budgetary and fiscal functions as provided by public law for a school committee and these functions only.

Sec. 6. On and after July 1, 1967, the Anson County Board of Education heretofore constituted and whose members shall take office on said date, and their successors in office, shall receive and hold all assets, liabilities, obligations, properties, funds and unexpended balances heretofore held by the Wadesboro City Board of Education and by the Morven City Board of Education, and said city boards of education shall transfer to the newly created Anson County Board of Education all documents, contracts, books, papers, letters and any and all files and accounting records relating to all the public schools existing within the newly reorganized Anson County School Administrative Unit. The newly created Anson County Board of Education assuming authority on July 1, 1967, shall have the power and authority to consolidate and take over any and all budgets which shall have been previously prepared by the Wadesboro City Board of Education and by the Morven City Board of Education and approved by the Board of County Commissioners.

Sec. 7. The Anson County Board of Education which shall assume authority on July 1, 1967, shall at its first meeting elect a superintendent for a two-year term expiring July 1, 1969. At the same time the said Board is authorized and empowered, upon recommendation of the Superintendent, to elect such assistant superintendents, associate superintendents and other personnel as shall be required for the official administration and operation of the schools administered by the Anson County Board of Education. The term of office and the period of service for all personnel elected then and thereafter shall be subject to and in accordance with the provisions of Chapter 115 of the General Statutes, as amended, and the rules and regulations of the State Board of Education governing school personnel, except that after the initial election for the superintendent of schools the

superintendent shall be elected on or about the first Monday in April, 1969, and biennially thereafter, for a term of two years, beginning July first next following his election.

Sec. 8. The Wadesboro City Board of Education and the Morven City Board of Education shall continue to exist and operate and administer the public schools in their respective school administrative units as in the past until July 1, 1967, and all new members appointed to said city boards of education shall be appointed for terms to commence on April 1, 1967, and expire July 1, 1967.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 478 CHAPTER 262

AN ACT TO CONSOLIDATE THE VANCE COUNTY SCHOOL ADMINISTRATIVE UNIT AND THE HENDERSON CITY SCHOOL ADMINISTRATIVE UNIT; TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE CONSOLIDATED BOARD OF EDUCATION; TO PROVIDE FOR A REFERENDUM TO SUBMIT THE QUESTION OF CONSOLIDATION TO THE PEOPLE OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "City Board" shall mean the Henderson City Board of Education.

(b) The term "County Board" shall mean the Vance County Board of Education.

(c) The term "City Administrative Unit" shall mean the geographical territory over which the City Board exercises authority in operating the public schools of said Unit.

(d) The term "County Administrative Unit" shall mean the geographical territory over which the Vance County Board of Education exercises authority in operating the public schools of said Unit.

(e) The term "Interim Board" shall mean the Vance County Interim Board of Education as constituted by adding certain members of the Henderson City Board of Education to the membership of the Vance County Board of Education as hereinafter provided and which Interim Board shall administer all the public schools within Vance County for the interim period of time hereinafter designated in this Act.

(f) The term "Consolidated Board" shall mean the Vance County Board of Education, or the governing authority, or the administrative unit having charge of, operating and administering all of the public schools within Vance County after the merger or consolidation of the Vance County School Administrative Unit and the Henderson City School Administrative Unit, as provided by this Act.

(g) The term "County Commissioners" shall mean the Board of County Commissioners of Vance County.

Sec. 2. The County Commissioners shall call an election in Vance County within 10 days from and after the effective date of this Act for the purpose of submitting to the electors of Vance County the question of whether or not the Vance County Board of Education and the Henderson City Board of Education shall be merged or consolidated into one board of education or school administrative unit to the end that all of the public schools of Vance County shall be administered or operated by one governing authority or administrative unit. The ballot to be printed and used in said referendum or election shall be substantially as follows:

VOTE FOR ONE:

☐ For a merger or consolidation of the Vance County Board of Education and the Henderson City Board of Education.

☐ Against the merger or consolidation of the Vance County Board of Education and the Henderson City Board of Education.

The said election shall be held and conducted under the laws and regulations contained in G. S. 115-122 and any other pertinent provisions of Article 14 of Chapter 115 of the General Statutes, as revised and amended. If these provisions do not deal with or cover all necessary election procedure, then the laws and regulations governing the election of county officers shall be in force and effect as provided in Chapter 163 of the General Statutes as revised and amended. The County Commissioners are hereby authorized to request the Vance County Board of Elections to hold and conduct said election, and when such request is made it shall be the duty of the said Board of Elections to hold and conduct such election according to the provisions of law heretofore referred to. The County Commissioners are hereby authorized to appropriate and make available a sufficient sum of money to defray the expenses of said election.

Sec. 3. If a majority of the electors voting in said election approve said merger or consolidation of the county board and the city board, then such merger or consolidation shall go into effect as hereinafter provided. If a majority of the electors voting in such election do not approve said merger or consolidation, then the same shall not go into effect and all provisions of this Act relating to such merger or consolidation shall be null and void notwithstanding provisions of the general law, and the status of the city board and the county board shall remain the same as existed prior to the passage of this Act.

Sec. 4. If a majority of those voting in the election heretofore provided and referred to shall approve a merger or consolidation of the county board and city board then, and in that event, the said county board and city board shall nevertheless continue to administer, operate and control their respective administrative units with the same powers and duties as before until the first Monday of December, 1967, when the county board and city board shall be replaced by the interim board as hereinafter provided. The county superintendent and the city superintendent shall continue to administer and supervise their respective administrative units separately in all respects under the Vance County Interim Board of Education until June 30, 1968.

Sec. 5. If a majority of those voting in the election heretofore provided and referred to shall approve a merger or consolidation of the

county board and city board, then the terms of office of the two superintendents of schools heretofore employed by the City Board and the County Board, respectively, shall terminate on June 30, 1968. On the first Monday of April, 1968, the interim board hereinafter provided shall elect and employ a superintendent of schools who shall be the superintendent of schools for all of the public schools in Vance County, including the public schools located in the city administrative unit as well as the public schools located in the county administrative unit. The said superintendent of schools so elected shall assume his duties on July 1, 1968, and shall hold his office and serve as such superintendent of schools until June 30, 1969. On the first Monday of April, 1969, the superintendent of schools shall be elected by the consolidated board hereinafter provided and shall serve his term of office beginning July 1, 1969, until June 30, 1971. Thereafter, the election of all superintendents of schools for Vance County shall be in the regular statutory manner as provided by the general school law.

Sec. 6. If a majority of those voting in the election heretofore provided and referred to shall approve a merger or consolidation of the county board and city board then, an interim board is hereby established and constituted which shall be composed of 10 members, and shall be known and designated as "The Vance County Interim Board of Education". On July 1, 1967, or within 30 days thereafter, the city board shall appoint five of its members who serving together with the five members of the county board shall constitute the membership of said interim board which shall assume its powers, duties and responsibilities on the first Monday of December, 1967. The interim board shall have all the power, authority and duties provided by Chapter 115 of the General Statutes of North Carolina, as amended, and shall have control over all of the school facilities of the county and city administrative units during its tenure of authority and shall have access to all premises, facilities, buildings, books and records belonging thereto for the performance of its duties. The interim board shall also have the duty and responsibility of making effective plans for the operation of the merged or consolidated county and city administrative units and the duty for formulating such plans shall commence on the first Monday of December, 1967. The interim board shall elect a chairman from its members at its first meeting to be held on the first Monday of December, 1967, and shall appoint the superintendents of schools respectively to serve as co-secretaries to said board. The compensation and mileage of the interim board members appointed by the city board shall remain as now fixed for members of said city boards, and the compensation and mileage for the remaining interim board members shall remain as now fixed for members of the county board. At all meetings of the interim board six members shall be present before there shall be a quorum and all actions, motions and proceedings shall require a majority vote of two-thirds of the members present voting in the affirmative before such actions, motions, and proceedings shall become effective. Further, the expenditure by the interim board of any or all of any unencumbered capital outlay funds theretofore belonging to the city board shall be first approved by the County Commissioners before any such expenditure shall be made. On or before July 1, 1968, the interim board on recommendation of the superintendent-elect shall employ all other personnel and employees

necessary for the operation of all of the public schools in Vance County and all such personnel and employees shall begin their duties on said date or as soon thereafter as possible. The interim board shall have the duty of fixing and determining the positions, status, salaries of all personnel and employees necessary for the operation of the entire public school system of Vance County for the school year 1968-1969. On the first Monday of December, 1968, or as soon thereafter as the members of the consolidated board hereinafter provided are inducted into and take the oath of office, all of the powers and duties of the interim board shall cease and terminate and the interim board as well as its members shall no longer have any status or exercise any power or authority over the public school system of Vance County.

Sec. 7. If the electors of Vance County approve the merger or consolidation of the county board and city board as herein provided, then there is hereby constituted and established a consolidated board which shall be known and designated as: "The Vance County Board of Education," and at the regular primary for the nomination of county officers for Vance County to be held in the year 1968, there shall be nominated five persons from the districts hereinafter designated, and these five persons shall be voted upon for membership of the consolidated board at the general election to be held for the election of county officers for Vance County in the year 1968. The said districts and the number of persons to be nominated from each district as candidates for membership on the consolidated board are hereby established and designated as follows:

District I. That portion of Henderson Township lying within the corporate limits of the City of Henderson; two persons.

District II. That portion of Henderson Township lying outside of the corporate limits of the City of Henderson; one person.

District III. Watkins, Kittrell and Sandy Creek Townships; one person.

District IV. Dabney, Williamsboro, Townsville, and Middleburg-Nutbush Townships; one person. The Vance County Board of Elections shall prepare a separate ballot for use in the primary on which shall be listed the candidates for each district separately and the name of the district. Each candidate for membership on the consolidated board shall be a resident and elector in the district which he seeks to represent, and each candidate for membership on the consolidated board must be nominated and elected by the electors in his particular district. Every candidate filing in said primary shall be subject to the provisions of Chapter 163 of the General Statutes of North Carolina, as amended relating to a second primary and is required to have a majority of the votes cast by the electors of his district to be nominated for membership of said consolidated board. At the general election in 1968, for District I the member elected by the highest number of votes in said district shall serve a term of four years and the member receiving the next highest number of votes shall serve a term of two years; for District II the member elected by the highest number of votes in said district shall serve for a term of four years; for District III and District IV the member from District III shall serve for a term of four years and the member from District IV shall serve for a term of two years. Thereafter, all successors in office of such members shall serve for terms of four years on a staggered basis. All

vacancies in the office of the members of the consolidated board shall be filled by the remaining members of the consolidated board and the person appointed to fill a vacancy must be a resident and elector from the district of the member he is appointed to replace. An appointment to fill a vacancy on the consolidated board shall be only for that portion of the unexpired term between the time of appointment and the next general election, and at such next general election the remaining portion of the unexpired term shall be filled by election. If a person who has been nominated as a candidate from any district dies or removes himself, or for any other reason cannot be a candidate in the general election, then the Executive Committee of the party he represents shall appoint a candidate from the district represented by the dead or disqualified candidate. Such appointee shall have his name placed upon the ballot to be voted upon in the general election the same as any candidate who has been nominated in a primary. The members of the consolidated board shall be inducted into and take the oath of office on the first Monday in December, 1968, unless prevented by sickness or other cause over which he has no control, and then as soon as reasonably possible. All members of the consolidated board shall hold office until their successors are duly elected and qualified. All candidates for membership on the consolidated board from the various election districts herein designated shall file a notice of such candidacy by 12:00 o'clock noon on or before the Friday preceding the sixth Saturday before such primary election is to be held, and each candidate shall pay a filing fee of ten dollars ($10.00), and in addition shall certify in writing the district for which he is filing and that he is a bona fide resident and elector thereof. The nomination and election of said members of the consolidated board shall be held, conducted and supervised by the Vance County Board of Elections and except as herein provided the laws and regulations for the nomination and election of county officers shall be in full force and effect.

Sec. 8. The consolidated board shall exercise all of the powers, authority and duties as now exercised and performed by county and city boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as provided by any Public-Local or Private Act of the General Assembly of North Carolina pertaining to the Vance County Board of Education.

Sec. 9. On or after the first Monday of December, 1968, the title of all property of any nature whatsoever now owned by the county board and the city board, and any and all property acquired by the interim board, shall, as soon as practical be vested in and transferred to the consolidated board. The consolidated board shall own and have control of all structures, buildings, facilities, land, papers, documents, books, records, accounts, letters, claims, demands, and all unexpended balances of funds, surplus funds, proceeds of State School Bonds, and all moneys whatsoever which heretofore belonged to the city board or belonged to or was controlled by the interim board; and the same shall be transferred to the consolidated board. The city board and the interim board and their members irrespective of any termination of office or authority set forth in the preceding Sections of this Act shall retain the power and authority to execute, and shall execute, any and all deeds, writings, instruments and documents necessary to vest title to any and all property of any kind or description

whatsoever in which either board might have an interest of any kind, in the consolidated board. All claims and demands, liabilities and obligations of the city board or the interim board whatsoever shall become and be the claims, demands, liabilities and obligations of the consolidated board and shall be enforced for as well as against the consolidated board.

Sec. 10. The members of the consolidated board shall each receive the sum of fifty dollars ($50.00) per month as compensation for services, and the chairman shall be paid the sum of one hundred dollars ($100.00) per month. The consolidated board shall hold at least one meeting each month but may hold as many meetings as are necessary.

Sec. 11. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 268 CHAPTER 263

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES, RELATING TO THE PRACTICE OF CHIROPRACTIC IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-18(10) is hereby rewritten to read as follows:

"(10) The practice of chiropractic by any legally licensed chiropractor when engaged in the practice of chiropractic as defined by law, and without the use of any drug or surgery."

Sec. 2. G. S. 90-142 is hereby amended by striking out the period at the end of the paragraph and by adding the following:

"and the enforcement of the provisions of this Act."

Sec. 3. G. S. 90-143 is hereby amended by striking out the words "twenty-four moveable vertebrae of the" in line two thereof.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 329 CHAPTER 264

AN ACT TO AMEND CHAPTER 320 OF THE PRIVATE LAWS OF 1893, AS AMENDED, RELATIVE TO THE SALARY OF THE MAYOR, THE TOWN COMMISSIONERS, AND THE CLERK OF THE TOWN OF HUNTERSVILLE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 320 of the Private Laws of 1893, as amended, is hereby amended to read as follows:

"Sec. 2. The Town Commissioners of the Town of Huntersville shall have the right to allow and pay the Mayor of said town a salary not to

exceed nine hundred dollars ($900.00) per annum, and shall have the further right to pay to the Town Clerk a salary in such amount as the said Town Commissioners may from time to time deem advisable and reasonable, and shall have the further right to pay each commissioner a salary not to exceed two hundred forty dollars ($240.00) per annum."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 369 CHAPTER 265

AN ACT TO AMEND ARTICLE 6A OF CHAPTER 153 OF THE GENERAL STATUTES RELATING TO THE SALARIES OF APPOINTIVE AND ELECTIVE OFFICIALS AND EMPLOYEES, SO AS TO MAKE THE SAME APPLICABLE TO DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-48.5, as the same appears in 1964 Replacement Volume 3C of the General Statutes, is amended by inserting after the comma, following the word "Davie", and before the word "Graham", in line four of said Section, the word "Duplin".

Sec. 2. The authority granted to the Board of County Commissioners of Duplin County by this Act shall be applicable to the year ending January 31, 1967, and thereafter.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 373 CHAPTER 266

AN ACT TO FIX THE SHERIFF'S AND COMMISSIONERS' FEES FOR LAYING OFF HOMESTEAD IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Duplin County shall receive a fee of two dollars and fifty cents ($2.50) for each defendant for laying off homestead.

Sec. 2. In Duplin County, each commissioner shall receive a fee of five dollars ($5.00) for his duties in laying off homestead.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 374 **CHAPTER 267**

AN ACT TO AMEND CHAPTER 114 OF THE 1951 SESSION LAWS OF NORTH CAROLINA RELATING TO THE SHERIFF'S FEES IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 12 of Chapter 114 of the 1951 Session Laws of North Carolina be deleted in its entirety and that Section 12 thereof be amended to read as follows:

"Sec. 12. The Sheriff's fee for feeding each prisoner in jail shall be in the discretion of the Board of County Commissioners, retroactive to 1 July 1966. Such fee shall be paid to the Sheriff from the general fund of Duplin County and taxed to the prisoner in the bill of cost."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 376 **CHAPTER 268**

AN ACT TO AMEND CHAPTER 289, SESSION LAWS OF 1957, RELATING TO COMPENSATION OF MEMBERS OF THE FRANKLIN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 289, Session Laws of 1957, is hereby amended by deleting the words and figures "ten dollars ($10.00)", in line 6, and inserting in lieu thereof the words and figures "fifteen dollars ($15.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 416 **CHAPTER 269**

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The chairman of the Board of County Commissioners of Surry County shall receive a salary of one hundred and twenty-five dollars ($125.00) per month, and each of the other members of the Board of County Commissioners of Surry County shall receive a salary of one hundred dollars ($100.00) per month, payable out of the general fund of the County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on May 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 430 CHAPTER 270

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Auditor of New Hanover County shall receive an annual salary of ten thousand five hundred dollars ($10,500.00).

Sec. 2. The Sheriff of New Hanover County shall receive an annual salary of ten thousand five hundred dollars ($10,500.00), plus an additional amount of one hundred dollars ($100.00) per month for travel allowance.

Sec. 3. The Clerk of Superior Court of New Hanover County shall receive an annual salary of ten thousand five hundred dollars ($10,500.00).

Sec. 4. The Register of Deeds of New Hanover County shall receive an annual salary of ten thousand five hundred dollars ($10,500.00).

Sec. 5. The Judge of Recorder's Court of New Hanover County shall receive an annual salary of fourteen thousand dollars ($14,000.00).

Sec. 6. The Solicitor of Recorder's Court of New Hanover County shall receive an annual salary of eleven thousand dollars ($11,000.00).

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 444 CHAPTER 271

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE COUNTY BOARD OF PUBLIC WELFARE OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-12 is hereby amended by adding at the end thereof the following proviso: "Provided, that the members of the County Board of Public Welfare of Anson County shall each receive, as compensation for his services, fifteen dollars ($15.00) per day and actual expenses when attending official meetings."

Sec. 2. This Act shall apply to Anson County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 484

CHAPTER 272

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY TO FIX THE COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-48.5, as the same appears in the 1965 Supplement to the General Statutes, be amended by adding after the word "Davie" and before the word "Graham" in the fourth line of said Section the word "Forsyth,".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 501

CHAPTER 273

AN ACT TO CREATE THE EXECUTIVE MANSION FINE ARTS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Executive Mansion Fine Arts Commission, consisting of sixteen members, who shall be appointed by the Governor on or before July 1, 1967, for terms as follows: Four members for one year; four members for two years; four members for three years; and four members for four years. At the expiration of the foregoing terms, all members shall be appointed for terms of four years. The term of each member shall commence on July 1 of the year in which appointed, and each member shall serve until his successor is appointed and qualified. Any vacancy occurring for reasons other than expiration of the term shall be filled by the Governor for the unexpired term. The Governor shall appoint the Chairman of the Commission.

Any public officer appointed to the Commission shall serve ex officio in addition to his duties imposed by law.

Sec. 2. The purpose of the Commission shall be: (1) To preserve and maintain the Executive Mansion, located at 200 North Blount Street, Raleigh, North Carolina, as a structure having historical significance and value to the State of North Carolina; (2) to improve the furnishings of the Executive Mansion by encouraging gifts and objects of art, furniture and articles which may have historical value, and to approve major changes in the furnishings of the Mansion; (3) to recommend to the Department of Administration any major renovations to the Executive Mansion which the Commission deems necessary to preserve and maintain the structure; (4) to keep a complete list of all gifts and articles received, together with their history and value and to request the assistance of the State Department of Archives and History for this purpose; and (5) to publicize work of the Commission.

Sec. 3. The Commission is hereby empowered on behalf of the State of North Carolina to receive gifts, contributions of money and objects of art consistent with the purpose for which the Commission is created. Title to all gifts, articles and monies received by the Commission shall be vested in the State of North Carolina and shall remain in the custody and control of the Commission. The Commission is authorized to accept loans of furniture and other objects as, in its discretion, it deems suitable. The Commission is empowered to employ clerical assistance on such basis as it may deem reasonable. Provided, however, that the salary of such persons shall be paid out of funds the Commission has received in the conduct of its work, and it is specifically provided that no other funds belonging to the State of North Carolina shall be used for this purpose. The Commission shall be empowered to expend such funds as it may receive, under this Act, in such manner as it deems appropriate and consistent with the purposes set forth herein. The Commission shall keep an account of receipts and expenditures and the State Auditor shall, at least annually, make a complete audit of the books and records of the Commission and report the result of his audit to the Governor. The Commission may do all things necessary and proper to achieve the purposes set forth in this Act.

Sec. 4. Members of the Commission shall not receive any per diem, travel or expense allowance or any compensation from any State funds whatsoever, except, in the discretion of the Commission, from those funds received by the Commission under Section 3 of this Act.

Sec. 5. The Director of the State Department of Archives and History is directed to provide such reasonable assistance as he may be requested by the Commission to render for the purposes of carrying out the provisions of item (4) of Section 2 of this Act.

Sec. 6. All unexpended funds and assets of the existing Executive Mansion Fine Arts Committee shall be transferred immediately to the Executive Mansion Fine Arts Commission.

Sec. 7. This Act shall not be construed as divesting the Department of Administration of any powers, duties and authority relating to the budget or the operation and maintenance of the Executive Mansion.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 526 CHAPTER 274

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Upon the expiration of the terms of office of the persons presently constituting the membership of the Board of Education of Buncombe County, their successors to membership on the said board shall be elected as hereinafter provided.

Sec. 2. Beginning with the primary election to be held in Buncombe County in 1968, and biennially thereafter, forthcoming vacancies on the board of education due to expiration of terms shall be filled in a nonpartisan election to be held at the same time as the regular primary election. Any registered voter residing in Buncombe County shall be eligible, upon payment of a filing fee of five dollars ($5.00), to file with the county board of elections, within the time required by law for county officers to file in primaries, as a candidate for membership on the board without declaring his political affiliation. The names of the candidates for said board in said elections shall be presented to the voters in a separate listing entitled "School Board," which shall not identify their political affiliation. All qualified voters residing in Buncombe County shall be eligible to vote in said election. Those candidates receiving the highest number of votes cast shall be declared elected for six-year terms and there shall be no second primary. Persons so elected in the primary shall qualify for membership on the board of education by taking the oath of office on or about the first Saturday in April next succeeding their election.

Sec. 3. In the event of any vacancy on the Board of Education of Buncombe County because of death, resignation, change of residence, removal, or similar cause, said vacancy shall be filled within 30 days by appointment by the remaining members of the board for the unexpired term. In the event a vacancy shall be created after a member has been elected but before he has qualified, said vacancy shall be filled for the elected term by the members of the board of education with whom the member causing the vacancy would have served. Vacancies not filled within the required 30 days shall be filled by appointment by the State Board of Education.

Sec. 4. The Buncombe County Board of Education as now constituted and thereafter elected and constituted shall in all other respects be governed by the procedures, powers, and duties of boards of education as set forth in Chapter 115 of the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 601 CHAPTER 275

AN ACT AMENDING CHAPTER 129 OF THE 1961 SESSION LAWS RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 129 of the 1961 Session Laws is amended by striking from Section 1, line 3 thereof, the words and figures "twenty dollars ($20.00)" and substituting in lieu thereof the words and figures "thirty-five dollars ($35.00)". Said Act is further amended by striking from Section 1, line 6 thereof, the words and figures "fifteen dollars ($15.00)"

and substituting in lieu thereof the words and figures "twenty-five dollars ($25.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

H. B. 845 CHAPTER 276

AN ACT TO AMEND G. S. 163-175 RELATING TO THE MARKING OF ELECTION BALLOTS IN THE TOWN OF HAMILTON.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (6) of G. S. 163-175 is hereby amended by changing the period at the end thereof to a comma and by adding immediately following such comma the words "and to all elections in the Town of Hamilton in Martin County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

S. B. 162 CHAPTER 277

AN ACT TO AMEND THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF 1953, CHAPTER 20, ARTICLE 9A, ARTICLE 10 AND ARTICLE 11 OF THE GENERAL STATUTES OF NORTH CAROLINA, TO INCREASE THE PRESENT REQUIRED MINIMUM LIMITS OF PROOF OF FINANCIAL RESPONSIBILITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by striking out the amount "$5,000" appearing in line four of subdivision (11) thereof and by substituting in lieu thereof the amount "$10,000", and by striking out of line six of subdivision (11) thereof the amount "$10,000" and by substituting in lieu thereof the amount "$20,000".

Sec. 2. G. S. 20-279.5, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by striking out of line 19 of the first unnumbered paragraph following sub-paragraph numbered (5) of subdivision (c) thereof the words and amount "five thousand dollars ($5,000.00)" and by substituting in lieu thereof the words and amount: "ten thousand dollars ($10,000.00)", and by striking out of line 21 of the first unnumbered paragraph following sub-paragraph numbered (5) of said subsection (c) the words and amount "ten thousand dollars ($10,000.00)" and by substituting in lieu thereof the amount: "twenty thousand dollars ($20,000.00)".

Sec. 3. G. S. 20-279.15, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended

by striking out the words and amount "five thousand dollars ($5,000.00)" appearing in the first line of subdivision (1) thereof and by substituting in lieu thereof the words and amount: "ten thousand dollars ($10,000.00)", and by striking out the words and amount "five thousand dollars ($5,000.00)" appearing in the first line of subdivision (2) thereof and by substituting in lieu thereof the words and amount: "ten thousand dollars ($10,000.00)", and by striking out the words and amount "ten thousand dollars ($10,000.00)" appearing in the second and third lines of subdivision (2) thereof and substituting in lieu thereof the words and amount: "twenty thousand dollars ($20,000.00)".

Sec. 4. G. S. 20-279.21, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by striking out of line eight of subdivision (2) of subsection (b) thereof the words and amount "five thousand dollars ($5,000.00)" and by substituting in lieu thereof the words and amount: "ten thousand dollars ($10,000.00)", and by striking out of line 10 of subdivision (2) of subsection (b) thereof the words and amount "ten thousand dollars ($10,000.00)" and substituting in lieu thereof the words and amount: "twenty thousand dollars ($20,000.00)", and by deleting the remainder of the sentence beginning after the semicolon (;) in line 11 of subsection (b) of subdivision (3) and continuing to the period (.) in line 18 thereof, and by substituting in lieu of the semicolon in line 11 a period (.).

Sec. 5. G. S. 20-279.25, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by striking out the words and amount "fifteen thousand dollars ($15,000.00)" where such words and amount appear in lines three, four, five and six of subsection (a) thereof and by substituting in lieu thereof on said lines the words and amount: "twenty-five thousand dollars ($25,000.00)".

Sec. 6. G. S. 20-279.34, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by deleting from the fifth paragraph thereof the remainder of said paragraph beginning with the word "Provided" in line 18 thereof and continuing to the period (.) at the end of said paragraph.

Sec. 7. G. S. 20-280 as the same appears in the 1965 Replacement Volume 1C is hereby amended by striking out the words and amount "Five thousand dollars ($5,000.00)" in line 10 of subsection (b) thereof and substituting in lieu thereof "Ten thousand dollars ($10,000.00)", and by striking out the words and amount "Ten thousand dollars ($10,000.00)" in line 12 of subsection (b) thereof and substituting in lieu thereof the words and amount: "Twenty thousand dollars ($20,000.00)".

Sec. 8. G. S. 20-281, as the same appears in the 1965 Replacement Volume 1C of the General Statutes of North Carolina, is hereby amended by striking out the words and amount "Five thousand dollars ($5,000.00)" in lines 13 and 14 thereof and by substituting in lieu thereof the words and amount: "Ten thousand dollars ($10,000.00)", and by striking out the words and amount "Ten thousand dollars ($10,000.00)" in line 15 thereof and substituting in lieu thereof the words and amount: "Twenty thousand dollars ($20,000.00)".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective January 1, 1968, and where the manner of giving proof of financial responsibility is by automobile liability policy, the same shall apply only to policies written or renewed on or after said effective date.

In the General Assembly read three times and ratified, this the 3rd day of May, 1967.

S. B. 232 CHAPTER 278

AN ACT TO AUTHORIZE THE WILKES COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN LANDS TO THE TOWN OF WILKESBORO.

WHEREAS, the Wilkes County Board of Education is the owner of certain property located in Wilkes County in the Town of Wilkesboro which property was given to said board of education by the Parent Teacher's Association of the Town of Wilkesboro for use as a playground at the Wilkesboro High School; and

WHEREAS, since said gift of said lands to said board of education, Wilkesboro High School has been consolidated with North Wilkesboro High School and said new consolidated High School is at a location some distance from said lands; and

WHEREAS, the Wilkes County Board of Education desires to convey said tract of land to the Town of Wilkesboro in order that said tract of land, or the proceeds therefrom, shall be used for recreational purposes only: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Wilkes County Board of Education is hereby authorized and empowered to sell and convey to the Town of Wilkesboro, without consideration and at private sale, that certain tract or parcel of land lying and being in Wilkes County, within the limits of the Town of Wilkesboro, and adjoining the lands of the S. J. Gennings estate, B. S. Call and others and more particularly described as follows:

"Beginning at a stone in the South line of the S. J. Gennings' Estate lot, formerly the Harrison Brown lot, and runs South 17 degrees East 9 poles and 13 links to a stone on the bank of a ditch in Call's bottom, thence South 77 degrees East along and near the bank of the ditch, 26 poles to a stone near the bank of said ditch near the bank of Cub Creek, thence North 72 degrees East 21 poles to a stake at or near the West end of the abutment of the Cub Creek bridge on the North side of the creek, thence North 20 degrees West crossing the public road, 20 poles and 11 links to a stake in the street or road, that runs down the hill on the West side of John Vicker's barn; thence South about 73 degrees West coinciding with the old Call line to the beginning, containing four and one-half acres more or less."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1967.

H. B. 150 CHAPTER 279

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO CONVERT THE ONSLOW COUNTY INDUSTRIAL EDUCATION CENTER TO A TECHNICAL INSTITUTE AND TO PROVIDE FOR THE FINANCIAL SUPPORT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The State Board of Education shall have authority to approve the conversion of the Onslow County Industrial Education Center to a technical institute, as defined in Chapter 115A of the General Statutes of North Carolina.

Sec. 2. All local taxes heretofore authorized by the voters of Onslow County to be levied annually for the local financial support of the Onslow County Industrial Education Center may continue to be levied by the Board of Commissioners of Onslow County for the purpose of providing local financial support of the institution as a technical institute.

Sec. 3. The Onslow County Board of Education is authorized to transfer without compensation to the Board of Trustees of the Onslow County Industrial Education Center the title to any real and personal property held by the Board of Education as the two boards may agree upon, either before or after the institution is converted to a technical institute.

Sec. 4. In the event that the State Board of Education shall approve the conversion of the Onslow County Industrial Education Center to a technical institute, within sixty days after the Board grants final approval, the Governor shall appoint four additional members to the Board of Trustees of the Onslow County Technical Institute in accordance with the provisions of Sections 115A-7 and 115A-8(1) of the General Statutes of North Carolina.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from the date of ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1967.

H. B. 290 CHAPTER 280

AN ACT TO AMEND G. S. 20-20 TO REQUIRE SURRENDER OF ALL NORTH CAROLINA DRIVERS' LICENSES IN THE POSSESSION OF ANY PERSON UPON CANCELLATION, REVOCATION OR SUSPENSION OF LICENSE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-20, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby rewritten to read as follows:

"G. S. 20-20. Whenever any vehicle operator's license issued by the Department is cancelled, revoked or suspended under the terms of this Chapter, the licensee shall surrender to the Department all vehicle operator's licenses and duplicates thereof issued to him by the Department which are in his possession."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1967.

H. B. 346 CHAPTER 281

AN ACT TO AMEND CHAPTER 93A OF THE GENERAL STATUTES, RELATING TO REAL ESTATE BROKERS AND SALESMEN.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 93A-2 is hereby amended by inserting the words "under the supervision of a real estate broker," immediately following the word "who" in line two thereof.

Sec. 2. Subsection (b) of G. S. 93A-3 is hereby amended by substituting a period for the comma at the end of line three and striking out the remainder of the sentence, the same being the words, "such per diem allowance for the whole Board not to exceed an aggregate amount of twenty-five hundred dollars ($2500.00) for any fiscal year."

Sec. 3. (a) Subsection (c) of G. S. 93A-4 is hereby amended by striking out the word "renewed" at the end of the first sentence and inserting in lieu thereof the word "reinstated".

(b) Said subsection (c) is hereby further amended by inserting the following words immediately following the second sentence thereof:

"All licenses reinstated after the expiration date thereof shall be subject to a late filing fee of five dollars ($5.00) in addition to the required renewal fee. In the event a licensee fails to obtain a reinstatement of such license within twelve months after the expiration date thereof, the Board may, in its discretion, consider such person as not having been previously licensed, and thereby subject to the provisions of this Act relating to the issuance of an original license, including the examination requirements set forth herein."

Sec. 4. G. S. 93A-6 is hereby amended as follows:

(a) By adding the following subdivisions at the end of subsection (a) of said Section:

"(12) Commingling the money or other property of his principals with his own or failure to maintain and deposit in a trust or escrow account in an insured bank all money received by a real estate broker acting in said capacity, or as escrow agent, or the temporary custodian of the funds of others, in a real estate transaction;

"(13) Failure to deliver, within a reasonable time, a completed copy of any purchase agreement or offer to buy and sell real estate to the buyer and to the seller;

"(14) Failure by a broker to deliver to the seller in every real estate transaction wherein he acts as a real estate broker, at the time such

transaction is consummated, a complete detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller; also failure to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same were disbursed.

(b) By deleting subsection (b) of said Section and substituting therefor a new subsection to read as follows:

"(b) In all proceedings under this Section for the revocation or suspension of licenses, the provisions of Chapter 150 of the General Statutes shall be applicable."

Sec. 5. G. S. 93A-9 is hereby amended by striking out in lines six and seven the words, "which offers the same privileges to licensed brokers or salesmen of this State,". Said Section is hereby further amended by inserting a colon in lieu of a comma at the end thereof and adding the following words:

"Provided, however, the provisions of this sentence shall only be applicable with respect to states which grant to licensed brokers or salesmen of this State the right to transact the business of a real estate broker or salesman in such state without being required to pass any examination."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 3rd day of May, 1967.

S. B. 147 CHAPTER 282

AN ACT TO REQUIRE MOTOR VEHICLES TO BE EQUIPPED WITH INSIDE REAR VIEW MIRRORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-126, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting subsection (a) and inserting in lieu thereof the following:

"(a) No person shall drive a motor vehicle on the streets or highways of this State unless equipped with an inside rear view mirror of a type approved by the Commissioner, which provides the driver with a clear, undistorted, and reasonably unobstructed view of the highway to the rear of such vehicle; provided, a vehicle so constructed or loaded as to make such inside rear view mirror ineffective, may be operated if equipped with a mirror of a type to be approved by the Commissioner located so as to reflect to the driver a view of the highway to the rear of such vehicle. A violation of this subsection shall not constitute negligence per se in civil actions. Farm tractors, self-propelled implements of husbandry and construction equipment and all self-propelled vehicles not subject to registration under this chapter are exempt from the provisions of this Section."

Sec. 1.2. Any inside mirror installed in any motor vehicle by its manufacturer shall be deemed to comply with the provisions of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

S. B. 161 CHAPTER 283

AN ACT AMENDING THE "SAFE DRIVING REWARD PLAN" SO AS TO ENABLE THE COMMISSIONER OF INSURANCE TO FORMULATE AND ESTABLISH A MORE EQUITABLE PLAN.

The General Assembly of North Carolina do enact:

Section 1. General Statute 58-248.8 is hereby amended by deleting on line five of paragraph one after the word "accidents," the following: "convictions of major traffic violations" and substituting in lieu thereof the following: "a record of convictions of major traffic violations; a record of a series of minor traffic violations; or a combination thereof."

Sec. 2. General Statute 58-248.8 is further amended by striking out the second and third paragraphs thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on January 1, 1968.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 277 CHAPTER 284

AN ACT TO AMEND G. S. 20-84 TO PROVIDE FOR ISSUANCE OF PERMANENT MOTOR VEHICLE REGISTRATION PLATES TO THE AMERICAN NATIONAL RED CROSS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-84, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting at the end thereof a new paragraph to read as follows:

"The Department of Motor Vehicles shall issue to the American National Red Cross, upon application of any local chapter thereof and payment of a fee of one dollar ($1.00) for each plate, a permanent registration plate, which need not be thereafter renewed, for all disaster vans, bloodmobiles, handivans, and such sedans and station wagons as are used for emergency or disaster work, and operated by a local chapter in this State in the business of, the American National Red Cross. Such registration plate shall be valid only for the vehicle for which issued and then only so long as the vehicle shall be operated as above described. In the event of transfer of ownership to any other person, firm or corporation, or transfer or reassignment of any vehicle bearing such registration plate to any chapter or association of the American National Red Cross in any other state, territory or country, the registration plate assigned to such vehicle shall be surrendered to the Department of Motor Vehicles.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on December 31, 1967.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 375

CHAPTER 285

AN ACT TO INCREASE THE PROBATE FEE OF THE CLERK OF SUPERIOR COURT IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of Superior Court in Duplin County shall receive a fee of fifty cents (50¢) for probate of a deed or other writing, proved by a witness, including the certificate.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 383

CHAPTER 286

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 105 OF THE GENERAL STATUTES TO MAKE THE DUE DATE FOR CORPORATION FRANCHISE TAX RETURNS COINCIDE WITH THE DUE DATE OF CORPORATION INCOME TAX RETURNS AND TO MAKE CERTAIN OTHER CHANGES IN THE CORPORATION FRANCHISE TAX LAWS.

The General Assembly of North Carolina do enact:

Section 1. The Franchise Tax Article of the Revenue Act, being Article 3 of Subchapter I of Chapter 105 of the North Carolina General Statutes is hereby amended by:

(a) Changing the period (.) at the end of the last paragraph of G. S. 105-114 to a semicolon (;) and adding the following: "except, that the taxes levied in § 105-122 and 123 shall be for the income year of the corporation in which such taxes become due. For purposes of this Article the words 'income year' shall mean an income year as defined in § 105-132."

(b) Deleting from lines 3 and 4 of subsection (a) of G. S. 105-122 the words and punctuation "thirty-first day of July of each year," and inserting in lieu thereof the words and punctuation "fifteenth day of the third month following the end of its income year, annually"; deleting from lines 9 and 10 of subsection (a) of G. S. 105-122 the words "its last calendar or fiscal year next preceding July thirty-first of the year in which report is due" and inserting in lieu thereof the words "such income year"; and by rewriting so much of the second paragraph of subsection (a) of G. S. 105-122 as appears between the quotation marks to read as follows: "Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this return, including any accompanying schedules and statements, is true and complete."

(c) Deleting in its entirety the last paragraph of subsection (b) of G. S. 105-122.

(d) Deleting from lines 5 and 6 of subsection (d) of G. S. 105-122 the words "for the year in which report is due" and inserting in lieu thereof the words "as herein specified"; deleting from line 20 of subsection (d) of G. S. 105-122 the words "year in" and inserting in lieu thereof the

words "calendar year next preceding the date on"; inserting immediately after the sentence ending with the word "Section" on line 21 of subsection (d) of G. S. 105-122 the following: "Assessed value of tangible property including real estate shall be the assessed ad valorem valuation for the calendar year next preceding the due date of the franchise tax return. Assessed value of intangible property, except for bank deposits subject to tax under the provisions of § 105-199, shall be the total gross valuation required to be reported for intangible tax purposes on April 15 coincident with or next preceding the due date of the franchise tax return. Assessed value of bank deposits subject to tax under the provisions of § 105-199 shall be the average balance determined under such Section for the calendar year next preceding the due date of the franchise tax return."; and by rewriting the last paragraph of subsection (d) of G. S. 105-122 to read as follows: "In determining the total tax payable by any corporation under this Section there shall be allowed as credit on such tax the amount of intangible tax paid on bank deposits under the provisions of § 105-199 to the extent that such deposits have been concurrently included in the alternative assessed value tax base pursuant to the provisions of this subsection except that the minimum tax herein provided shall not be less than ten dollars ($10.00). In determining the total tax payable by any corporation under § 105-115 there shall be allowed as credit on such tax the amount of intangible tax paid during the preceding franchise tax year on bank deposits under the provisions of § 105-199."

(e) Redesignating the present subsections (e) and (f) of G. S. 105-122 as subsections (f) and (g), respectively, adding a new subsection (e) to read as follows:

"(e) Any corporation which changes its income year and files a 'short period' income tax return pursuant to § 105-142 shall file a franchise tax return in accordance with the provisions of this Section in the manner and as of the date specified in subsection (a) of this Section. Such corporation shall be entitled to deduct from the total franchise tax computed (on an annual basis) on such return the amount of franchise tax previously paid which is applicable to the period subsequent to the beginning of the new income year."

(f) Adding a new subsection to G. S. 105-122 to be designated "(h)" and to read as follows:

"(h) Any corporation whose franchise tax return is due July 15, 1968, or August 15, 1968, the following credit shall be allowed from the total net franchise tax computed on such return. For any corporation whose franchise tax return is due July 15, 1968, the allowable credit shall be an amount equal to two-twelfths of the total net franchise tax computed on such return. For any corporation whose franchise tax return is due August 15, 1968, the allowable credit shall be an amount equal to one-twelfth of the total net franchise tax computed on such return.

"Notwithstanding any other provisions of this Article, the taxes levied in § 105-122 and 123 for the State's fiscal year, July 1, 1967, through June 30, 1968, shall be for that period and also for the period beginning on July 1, 1968, and ending on the last day of each corporation's then current income year provided the income tax return for such current income year is due before July 15, 1969."

(g) Deleting from lines 22 and 23 of subsection (a) of G. S. 105-123 the words "to June thirtieth next following" and inserting in lieu thereof the words and sentence "through the last day of the then current income year. In no case shall such period exceed 53 weeks."; and by rewriting the last paragraph of G. S. 105-123 to read as follows:

"In the case of a corporation newly organized or domesticated within the State which shall acquire the entire assets within the State of a corporation previously operating therein which shall have paid prior to the disposal of said assets the franchise tax for such period or any portion thereof, the newly organized or domesticated corporation may deduct from the tax payable under this Section so much of the tax previously paid as applies to such period."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1968.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 422 CHAPTER 287

AN ACT TO FIX THE COMPENSATION OF THE ASSISTANT CLERK OF SUPERIOR COURT OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Assistant Clerk of the Superior Court of Alleghany County shall be one thousand two hundred dollars ($1,200.00) per year effective as of March 1, 1967. Said salary shall be paid out of the General Fund of the County and paid in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 438 CHAPTER 288

AN ACT TO AMEND CHAPTER 784, SESSION LAWS OF 1953, RELATING TO EXPENDITURE OF FUNDS BY THE BOARD OF ALCOHOLIC CONTROL OF CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 784, Session Laws of 1953, is hereby amended by deleting the period at the end of said Section, and adding the following: "or may contract with public or private agencies for such purposes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 684 **CHAPTER 289**

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Wake County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

H. B. 786 **CHAPTER 290**

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2.03 of Section 1 of Chapter 713 of the 1965 Session Laws, the Charter of the City of Charlotte, is hereby amended by deleting the words, "Eastern Standard Time" in the last line of Section 2.03.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1967.

S. B. 204 **CHAPTER 291**

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF BREVARD TO DETERMINE WHETHER AN ALCOHOLIC BEVERAGE CONTROL STORE SHALL BE ESTABLISHED IN SAID TOWN AND TO PRESCRIBE THE METHOD OF OPERATION AND THE DISPOSITION OF THE NET PROFITS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Brevard may on its own motion, and shall upon a petition to said Board signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Brevard, order an election to be held on the question of whether or not a Town Alcoholic Beverage Control Store may be operated in the Town of Brevard, and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for an Alcoholic Beverage Control Store to be set up and operated in the Town of Brevard, but if a majority of the votes cast in said election shall be against the operation

of said Alcoholic Beverage Control Store, no such store shall be set up or operated in the Town of Brevard under the provisions of this Act.

Sec. 2. The Board of Aldermen of the Town of Brevard may submit the question hereinabove mentioned and call a special election for the purpose of submitting said question on or after June 3, 1967. In the event said special election is called the same shall be held and conducted on the date fixed by the Board of Aldermen of the Town of Brevard. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in said Alcoholic Beverage Control election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For a Town Alcoholic Beverage Control Store", "Against a Town Alcoholic Beverage Control Store". Those favoring setting up and operating an Alcoholic Beverage Control Store in the Town of Brevard shall mark in the voting square to the left of the words, "For a Town Alcoholic Beverage Control Store", printed on the ballot and those opposed to a Town Alcoholic Beverage Control Store shall mark in the voting square to the left of the words "Against a Town Alcoholic Beverage Control Store". Except as otherwise provided herein, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Board of Aldermen of the Town of Brevard, and the cost thereof shall be paid from the general fund of the Town of Brevard.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against a Town Alcoholic Beverage Control Store", the Town Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof close said store and shall thereafter cease to operate the same, and within said three months the Town Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said Board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Brevard in force and effect prior to the authorization to operate a Town Alcoholic Beverage Control Store shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For a Town Alcoholic Beverage Control Store". No election shall be called and held in the Town of Brevard under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Brevard to order the Alcoholic Beverage Control election on its own motion or within 60 days after a petition shall have been presented, filed, and signed by at least fifteen per cent (15%) of the registered and qualified voters of the Town of Brevard requesting the same.

Sec. 4. If the operation of a Town Alcoholic Beverage Control Store is authorized under the provisions of this Act, the Board of Aldermen of the Town of Brevard shall immediately create a Town Board of Alcoholic

Beverage Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said Board shall be known and designated as "The Town of Brevard Board of Alcoholic Beverage Control". The members and chairman of said Board shall be designated by the Mayor and the Board of Aldermen of the Town and the member designated as chairman shall serve for his first term a period of three years. As to the other members, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the Mayor and Board of Aldermen for the unexpired term. Compensation of the members of said Town Board of Alcoholic Beverage Control shall be fixed by the Board of Aldermen of the Town of Brevard.

Sec. 5. The said Town of Brevard Board of Alcoholic Beverage Control shall have all of the powers and duties imposed by G. S. 18-45 on County Boards of Alcoholic Beverage Control and shall be subject to the powers and authority of the State Board of Alcoholic Beverage Control the same as County Boards of Alcoholic Beverage Control as provided in G. S. 18-39. The said Town of Brevard Board of Alcoholic Beverage Control and the operation of the Town Alcoholic Beverage Control Store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Beverage Control appears in said Article, it shall include the Town of Brevard Board of Alcoholic Beverage Control. The Town of Brevard Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem wise, and fix their compensation.

Sec. 6. Out of the profits derived from the operation of said Alcoholic Beverage Control Store, after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be determined by the Town of Brevard Board of Alcoholic Beverage Control. Said Board shall further expend an amount of not more than ten per cent (10%) of the resulting profits for law enforcement purposes, and in its discretion an amount not in excess of five per cent (5%) for education as to the effects of the use of alcoholic beverages and the rehabilitation of alcoholics, said amounts to be determined by quarterly audits. These amounts shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Brevard. In the expenditure of said funds, the Town Board of Alcoholic Beverage Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said Board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Transylvania County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone

found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said Board of Alcoholic Beverage Control and any other peace officer are hereby authorized, upon request of the sheriff or other lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Transylvania County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said Alcoholic Beverage Control Store, the Town of Brevard Board of Alcoholic Beverage Control shall, on a quarterly basis, pay over to the following-named governing bodies amounts equal to the percentages of the net profits as follows:

(a) Twenty-five per cent (25%) to the Board of Commissioners of Transylvania County, to be deposited to the county general fund and used for any lawful purpose for which other general fund appropriations may be used;

(b) Seventy-five per cent (75%) to the Board of Aldermen of the Town of Brevard, to be deposited in the general fund of the town, which may be used for any lawful purpose for which other general fund expenditures may be made.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

S. B. 275 CHAPTER 292

AN ACT TO AUTHORIZE THE CITY OF MONROE TO DISPOSE OF OR PUT TO DIFFERENT USES CERTAIN PROPERTY OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The City of Monroe is hereby authorized to dispose of or put to any entirely different and inconsistent use from that for which it has been used all or any part of either of the following described properties:

(a) Old Sewage Treatment Plant property—a tract of land located in Monroe Township, Union County, North Carolina on both sides of Roosevelt Boulevard and bounded on the South by other property of the City of Monroe, on the West by Roy Walters and Robert O. Helms, on the North by I. F. Plyler, and on the East by Dr. S. A. Alexander, and more particularly described as follows:

BEGINNING at an iron stake a new corner of the City of Monroe property on the Dr. S. A. Alexander line and runs thence a new line North

55 degrees 21 minutes West 758 feet to a point in the center of Bearskin Creek, a new corner with the Roy Walters property, and runs along the center of Bearskin Creek seven (7) calls as follows: First, with the Walters property North 55 degrees East 380 feet; second, with a line of Robert O. Helms North 12 degrees 45 minutes East 336.6 feet; third, continuing with the Helms line North 2 degrees 30 minutes West 440.8 feet to an iron, I. F. Plyler's line; fourth, with Plyler's line South 54 degrees 15 minutes East 258.7 feet; fifth, North 86 degrees 30 minutes East 191.4 feet; sixth, North 79 degrees East 132 feet; seventh, South 29 degrees East 363 feet; thence South 78 degrees 15 minutes West 151.8 feet; thence along and with Dr. S. A. Alexander's line South 17 degrees 45 minutes West 1001 feet to the point of beginning.

(b) Ellen Fitzgerald Hospital property—the following described property lying and being in Monroe Township, Union County, North Carolina and more particularly described as follows:

BEGINNING at a point in the northerly margin of Morrow Avenue, said point being located South 89 degrees 30 minutes East 14 feet from the intersection of the northerly margin of Morrow Avenue and the easterly margin of Hayne Street in the City of Monroe; thence North 0 degree 30 minutes East 196.4 feet to an iron, the southwesterly corner of the property of C. M. Shannon Estate (now or formerly); thence South 89 degrees 30 minutes East 190 feet to an iron at the southeasterly margin of the property of C. M. Shannon Estate; thence with the westerly margin of Beasley Street South 0 degree 30 minutes West 196.4 feet to a point formed by the intersection of the westerly margin of Beasley Street and the northerly margin of Morrow Avenue; thence North 89 degrees 30 minutes West 190 feet to the point of beginning.

Sec. 2. If the City of Monroe elects to sell all or any part of either or both of the above-described tracts, then it may use the proceeds from said sale for any entirely different and inconsistent use from that for which the property has been used.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

S. B. 285

CHAPTER 293

AN ACT RELATING TO THE EMPLOYMENT OF PERSONS TO ASSIST THE TAX SUPERVISOR IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-292 is hereby amended by striking out the word "McDowell" in the third line of the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

S. B. 286 **CHAPTER 294**

AN ACT TO AMEND CHAPTER 608 OF THE SESSION LAWS OF 1965 SO AS TO EXEMPT McDOWELL COUNTY FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. Section 1 Chapter 608 of the Session Laws of 1965 is amended by deleting from line two of said Section the word "McDowell" so as to remove McDowell County from the provisions of said law.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 212 **CHAPTER 295**

AN ACT TO PROVIDE A HEARING BEFORE SUSPENSION OF OPERATOR'S LICENSE OF PROVISIONAL LICENSEES WHO ARE CONVICTED OF ONE MOTOR VEHICLE MOVING VIOLATION IN CONNECTION WITH AN ACCIDENT RESULTING IN PERSONAL INJURY OR PROPERTY DAMAGE OF ONE HUNDRED DOLLARS ($100.00) OR MORE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-13, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting subsection (b) (4) thereof.

Sec. 2. Article 2 of Chapter 20, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting immediately after G. S. 20-13 a new Section designated G. S. 20-13.1 to read as follows:

"G. S. 20-13.1. The operator's license of a provisional licensee as defined in G. S. 20-13 may be suspended by the Department for a period of 60 days upon notice of such licensee's conviction of one motor vehicle moving violation in connection with a motor vehicle accident resulting in personal injury or property damage of more than one hundred dollars ($100.00). Upon suspending any license as herein provided, the Department shall immediately notify the licensee, in writing, and, upon the request of the licensee's parent or guardian or someone standing in loco parentis to the child, afford him an opportunity for a hearing as early as practical within 20 days after receipt of the request in the county wherein the licensee resides or at some other place mutually agreed upon. Upon such hearing, the duly authorized agents of the Department may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant documents and may require re-examination. Upon such hearing, the Department may rescind, modify or affirm its order of suspension.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 272 CHAPTER 296

AN ACT TO AMEND CHAPTER 20 ARTICLE 2A OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING THERETO A NEW SECTION DESIGNATED GS 20-37.2 TO PROVIDE FOR THE ISSUANCE AND THE USE OF DISTINCTIVE FLAGS AND DISTRESS SIGNALS BY HANDICAPPED OR PARAPLEGIC DRIVERS OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 20, Article 2, as the same appears in Volume 1C of the General Statutes of North Carolina is hereby amended by adding thereto a new Section designated G. S. 20-37.2 as hereinafter set forth.

Sec. 2. G. S. 20-37.2. Handicapped Drivers; Distinctive Flags Issued. Handicapped or paraplegic drivers of motor vehicles are authorized when getting into and out of such vehicles, or when in distress, to display a white flag of approximately seven and one-half inches in width and thirteen inches in length, with the letter "H" thereon in red color with an irregular one-half inch red border. Said flag shall be of reflective material so as to be readily discernible under darkened conditions and shall be issued under Section 3 of this Act.

Sec. 3. The Commissioner of Motor Vehicles may, upon application and payment of a fee of two dollars ($2.00), issue to any handicapped person a distress flag as described in Section 1, and a card which shall be applicant's authority to use such flag. This card shall set forth the applicant's name, address, date of birth, physical apparatus, if any, needed to operate a motor vehicle, and other pertinent facts which the Commissioner of Motor Vehicles deems desirable. The card and flag issued to an applicant shall bear corresponding numbers. In the event of loss or destruction of such flag a replacement may be issued upon the payment of the sum of one dollar ($1.00) by the applicant. The Commissioner of Motor Vehicles shall maintain a list of those persons to whom distress flags and cards have been issued.

Sec. 4. Any person who is not a handicapped or paraplegic person who uses the above-mentioned flag or facsimile thereof as a distress signal or for any other purpose or any other person who violates any provision of this Act shall be guilty of a misdemeanor.

Sec. 5. Definitions. As used herein handicapped or paraplegic drivers shall mean:

(a) Any person who has impairments that, regardless of cause or manifestation, for all practicable purposes, confines such person to a wheelchair.

(b) Any person who has impairments that cause such person to walk with difficulty or insecurity and includes but is not limited to those persons using braces or crutches, amputees, arthritics, spastics and those with pulmonary or cardiac ills who may be semi-ambulatory.

Sec. 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 443 CHAPTER 297

AN ACT TO AMEND THE CHARTER OF THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 675 of the Session Laws of 1957 is hereby amended by inserting therein, between Section 25 and Section 26 thereof, the following to be designated as Section 25.1:

"Sec. 25.1. Liens for Utility Charges. In case any charge for utility service or for the use of utility facilities, including but not limited to water supply and distribution, is not paid within 10 days after it becomes due, the same shall become a lien upon the property served or in connection with which the service or facility is used provided that the owner of the property is in actual possession thereof at the time the service for which the charge hereunder is made was rendered. The charge may at any time thereafter be collected, either by suit in the name of the Town of Gibsonville or by the Tax Collector for the Town of Gibsonville, by the sale of the property upon which the lien attaches at the County Courthouse door of the county in which said property is located, after advertising the sale once a week for four successive weeks in some newspaper published in the county in which said property is located, having circulation in the Town of Gibsonville, which is qualified to carry legal notices. The sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided by law for the foreclosure of the lien on real estate for taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 453 CHAPTER 298

AN ACT TO AMEND G. S. 143-135 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. Section 143-135 of the General Statutes of North Carolina, as the same applies to the City of Charlotte in Mecklenburg County, is hereby amended by deleting the words and figures "fifteen thousand dollars

($15,000.00)" appearing in line 4, and inserting in lieu thereof the following "twenty-five thousand dollars ($25,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 474 CHAPTER 299

AN ACT TO AMEND CHAPTER 1291, SESSION LAWS OF NORTH CAROLINA, 1957, BEING THE CHARTER OF THE TOWN OF EMERALD ISLE, RELATING TO CORPORATE POWERS.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 1291 of the Session Laws of North Carolina, 1957, is hereby amended by adding a new subsection to Section 4, which shall be numbered (8) immediately before the last paragraph of Section 4, to read as follows:

"(8) Nothing in this Chapter shall be interpreted to give the Town of Emerald Isle any power to regulate anything covered in Subchapters IV and V of Chapter 113 of the General Statutes of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 497 CHAPTER 300

AN ACT AMENDING GENERAL STATUTE 58-77, SUBSECTION (9), PERTAINING TO THE AMOUNT OF CAPITAL AND SURPLUS REQUIRED BY INSURANCE COMPANIES DOING BUSINESS WITHIN THE STATE SO AS TO EXTEND TO JULY 1, 1971, THE INCREASE CAPITAL AND SURPLUS REQUIREMENTS OF SUCH COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (9) of General Statute 58-77, as the same appears in the 1965 Supplement of Volume 2B of the General Statutes, is hereby amended by striking out the numerals "1969" in line 6 thereof and by substituting in lieu thereof the numerals "1971".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 502 **CHAPTER 301**

AN ACT TO AMEND CHAPTER 109 OF THE SESSION LAWS OF 1963 FOR THE PURPOSE OF MAKING THE SAME APPLICABLE TO DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 109 of the Session Laws of 1963, is hereby amended by striking out the period appearing after the word "County" in the only line of said Section and by inserting the following: "and Davie County."

Sec. 2. Section 4 of Chapter 109 of the Session Laws of 1963, is hereby amended by striking out the period appearing after the word "County" in the second line of said Section 4 and by adding the following: "and Davie County."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 514 **CHAPTER 302**

AN ACT TO ESTABLISH A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the Town of Mount Airy, said fund to be known as the "Mount Airy Firemen's Supplementary Fund", hereinafter referred to as "Supplementary Pension Fund", and said fund to be administered by a board of trustees composed of the City Treasurer of the Town of Mount Airy, the Assistant Chief of the Fire Department of the Town of Mount Airy, and a third member of said board to be elected annually from the membership of the Mount Airy Fire Department by a majority vote of the chief and members of the fire department.

Sec. 2. That all funds in the Firemen's Relief Fund of the Town of Mount Airy in excess of five thousand dollars ($5,000.00) shall be transferred to the "Supplementary Pension Fund" so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars ($5,000.00); provided, however, the Firemen's Relief Fund shall have restored such sums from recurring annual receipts as are necessary to maintain a fund of not less than five thousand dollars ($5,000.00); provided further, of the funds and subsequent recurring increments thereto transferred from the Firemen's Relief Fund of the Town of Mount Airy to the "Supplementary Pension Fund", any or all of the same, shall be retrievable by and to the Firemen's Relief Fund of the Town of Mount Airy in order to defray and meet such legitimate claims which accrue under the provisions and coverage of the Firemen's Relief Fund of the Town of Mount Airy.

Sec. 3. Any person who is a member of the Mount Airy Fire Department, as shown by the records of the Town of Mount Airy at the time of the ratification of this Act, or any person who shall become such a member, shall be eligible for benefits from the "Supplementary Pension Fund" unless or until such person has been retired as a member of the Mount Airy Fire Department under the provisions of the retirement system for counties, cities, and towns as set out in Article 3, Chapter 128 of the General Statutes of North Carolina and as participated in by the Town of Mount Airy or as a voluntary member of the Fire Department of the Town of Mount Airy. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina.

Sec. 4. Any member who has served 30 years as a fireman in the Mount Airy Fire Department and has attained the age of 55 shall be entitled to receive from "Supplementary Pension Fund". Said monthly pension shall be in the amount of twenty-five dollars ($25.00) per month or less as below set forth providing that those members retiring after the age of 55 and before attaining age 60 may elect to receive the reduced amount.

Retirement Age	Amount	Retirement Age	Amount
55	$18.00	58	$22.00
56	$19.00	59	$23.00
57	$20.00	60	$25.00

Received at age 60, twenty-five dollars ($25.00). Add one dollar ($1.00) per month for each year service after age 60 through age 65. Maximum, thirty dollars ($30.00).

Sec. 5. The City Treasurer of the Town of Mount Airy, as a member of the board of trustees of the "Supplementary Pension Fund", shall be treasurer and custodian of the said fund and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his possession that such beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The City Treasurer of the Town of Mount Airy, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to one and one-quarter times the maximum amount estimated by the board of trustees as likely to be in his possession as such custodian at any time within the fiscal year for which the bond is given. The condition of said bond shall be that said custodian shall faithfully receive, keep, disburse, and account for, as herein provided, all funds and property coming into his hands as such custodian, and the premiums on said bond shall be paid out of the "Supplementary Pension Fund."

Sec. 7. The said custodian of said "Supplementary Pension Fund" is authorized and directed to invest all moneys coming into his possession belonging to said "Supplementary Pension Fund", except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in such securities as the

board of trustees shall select: Provided, however, that such securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of North Carolina, as amended, as to the investment of trust funds, and/or the funds of guardians.

Sec. 8. The board of trustees as herein provided for may, in its discretion, take and receive any gift, grant, bequest, or devise or any real or personal property or other things of value for, and as, the property of said "Supplementary Pension Fund" and hold and disburse and invest the same for the use of said fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, bequest or devise.

Sec. 9. The provisions of Chapter 118 of the General Statutes of North Carolina creating a Firemen's Relief Fund are repealed as to the Town of Mount Airy insofar and only insofar as said provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 517 CHAPTER 303

AN ACT TO AMEND CHAPTER 504, SESSION LAWS OF 1965, SO AS TO AUTHORIZE THE TOWN OF MURFREESBORO TO DESIGNATE AND PROTECT HISTORIC BUILDINGS AND DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 504, Session Laws of 1965, as the same was rewritten by Chapter 174, Session Laws of 1967, is further amended by inserting in the first sentence thereof, immediately after the words "Chowan County", the following words: "and the Town of Murfreesboro in Hertford County".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 549 CHAPTER 304

AN ACT TO AMEND G. S. 153-10.1, RELATING TO THE REMOVAL AND DISPOSAL OF TRASH AND GARBAGE, SO AS TO MAKE THE SAME APPLICABLE TO MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1965 Supplement to 1964 Replacement Volume 3C of the General Statutes, is hereby amended by adding after the word "Jackson," and before the word "McDowell" in line 13 thereof, the following: "Macon".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 552 CHAPTER 305

AN ACT TO AMEND CHAPTER 446, PUBLIC-LOCAL LAWS OF 1931, RELATING TO THE EMERGENCY AND PENSION FUND FOR LAW ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 446, Public-Local Laws of 1931, is hereby amended by adding the following to Section 5 thereof:

"Further, the monthly disability benefits may be increased annually at the rate of one per cent (1%) of the total compensation paid the eligible member during the preceding year. Provided, however, the monthly disability benefits paid by the fund to the eligible member shall not exceed eighty per cent (80%) of his monthly salary at the time of disability."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 555 CHAPTER 306

AN ACT TO AMEND CHAPTER 61, PUBLIC-LOCAL LAWS OF 1931, RELATING TO THE NOMINATION AND ELECTION OF COUNTY COMMISSIONERS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 61, Public-Local Laws of 1931, is hereby amended by deleting, in line 10, the words "the highest number of votes", and substituting in lieu thereof the following: "a majority of the votes cast for candidates".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 571 CHAPTER 307

AN ACT TO AMEND ARTICLE 2, CHAPTER 161 OF THE GENERAL STATUTES RELATING TO THE DUTIES OF THE REGISTER OF DEEDS IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 161-12 is hereby amended by adding at the end thereof the following:

"Provided that the Register of Deeds in Bladen County shall collect all fees for registration of all instruments to be recorded in the office of

the Register of Deeds. Each day the Register of Deeds shall deliver to the Clerk of the Superior Court all real estate instruments for probate."

Sec. 2. G. S. 161-13 is hereby amended by adding at the end thereof the following:

"This Section shall not apply to Bladen County."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 581 CHAPTER 308

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF JONESVILLE IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular biennial municipal election in the Town of Jonesville on the first Tuesday in May, 1968, and biennially thereafter, there shall be elected a mayor and a board of town commissioners consisting of five members. The candidate for mayor receiving the highest number of votes for mayor shall be declared elected mayor. The five candidates for the offices of town commissioner receiving the highest number of votes cast for town commissioners shall be declared elected town commissioners.

Sec. 2. Not less than four nor more than six weeks preceding the date of each biennial municipal election there shall be held a town meeting at such date, time and place as the town governing body may designate. Notice of such meeting shall be published in a newspaper, which is published and circulated in the Town of Jonesville, once a week for four successive weeks preceding the week during which the town meeting shall be held. The period of time between the publication of the first notice and the publication of the fourth notice shall be at least 20 days excluding the days of the first and last publication.

Sec. 3. At such town meeting all qualified voters of the Town of Jonesville shall be eligible to attend and participate in the town meeting at which the Mayor of the Town of Jonesville shall preside until a chairman of the meeting is elected by the qualified voters present, then said chairman shall preside. At such meeting there shall be nominated one candidate for mayor and five candidates for town commissioner.

Any qualified voter of the Town of Jonesville who is not nominated at the afore-described town meeting for mayor or town commissioner may file notice of candidacy for office as mayor or town commissioner by personally filing written notice with the town clerk not later than the fifteenth day preceding the date of the biennial municipal election. No filing fee shall be charged any candidate filing for mayor or town commissioner.

The name of the person nominated for mayor at the town meeting and all persons filing notices of candidacy for mayor with the town clerk shall be placed on the ballot to be used in the biennial municipal election and

the person receiving the highest number of votes for mayor shall be declared elected mayor.

All of the candidates for town commissioner nominated at the town meeting and all persons who file notice of candidacy for the offices of town commissioner shall be placed on the ballot to be used in the biennial municipal election and the five persons who receive the highest number of votes for town commissioner shall be declared elected as town commissioners.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 586 CHAPTER 309

AN ACT TO AUTHORIZE CERTAIN TOWNS IN ANSON COUNTY TO FURNISH WATER SERVICE OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Towns of Lilesville, McFarlan, Morven, Peachland, and Polkton in Anson County are hereby authorized to furnish water service to users outside of but within one and one-half miles of the corporate limits of such towns, respectively, as the corporate limits may now or hereafter be fixed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 588 CHAPTER 310

AN ACT RELATING TO THE GOVERNING BODY OF THE TOWN OF ELLERBE IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In the regular municipal election of officials in the Town of Ellerbe in Richmond County in 1969, there shall be elected five town commissioners instead of three. The two town commissioners elected who receive the highest number of votes shall serve for terms of four years each. The three town commissioners elected who receive the lowest number of votes shall serve for terms of two years each. In 1971, and quadrennially thereafter, three town commissioners shall be elected for terms of four years each and in 1973, and quadrennially thereafter, two commissioners shall be elected for terms of four years each. The terms of office shall commence on the first Monday in July of the year in which the commissioners are elected.

Sec. 2. The governing body of the Town of Ellerbe is hereby authorized to fix the salaries of the mayor and the town commissioners.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 589 CHAPTER 311

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY TO TRANSFER TO THE GENERAL FUND A CERTAIN UNUSED BALANCE IN THE DEBT SERVICE FUND.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rockingham County is hereby authorized, in its discretion, by resolution to transfer to the general county fund the present unused balance of approximately twelve thousand twenty-nine dollars and sixty cents ($12,029.60) in the county debt service fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 595 CHAPTER 312

AN ACT TO PROVIDE FOR ELECTION IN THE TOWN OF MAIDEN, UPON THE QUESTION OF ADOPTING PLAN D-CITY MANAGER FORM OF GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Maiden, North Carolina, shall, within one year from the date of ratification of this Act, cause to be submitted to the qualified voters of the Town of Maiden, at a special election called for the purpose of determining whether Plan D-City Manager form of government shall be adopted by the Town of Maiden.

Sec. 2. The said election shall be called and conducted and the result thereof determined and declared by the Board of Aldermen of the Town of Maiden as is now provided by law for the election of the mayor and members of the Board of Aldermen, and the holding of said election and the canvassing of the returns and all other matters pertaining to said election shall be as provided by law for the election of the mayor and Board of Aldermen of the Town of Maiden. At such election, ballots shall be provided for the voters containing the words "FOR Plan D-City Manager Form of Government", and "AGAINST Plan D-City Manger Form of Government". If a majority of the votes cast in said election shall be in favor of said Plan D-City Manager form of government, the same shall become effective and be operative in the Town of Maiden from and after the first day of July, 1968. If a majority of the votes cast shall be against Plan D-City Manager form of government, this Act shall be null and void.

Sec. 3. All ordinances, resolutions, orders, or other lawful regulations of the Town of Maiden, and any duly authorized commission, committee or other body thereof, existing at the time the Plan D-City Manager form of government is adopted and becomes effective, shall continue in full force and effect until annulled, repealed, modified or superseded as provided by law.

Sec. 4. In the event Plan D-City Manager form of government is adopted, then all the provisions of Part 4 of Article 22, Chapter 160 of the General Statutes, entitled "Plan D. Mayor, City Council and City Manager," shall become effective as to the Town of Maiden, except G. S. 160-339, as it relates to elections, G. S. 160-340 and G. S. 160-345. Provided, however, that the governing body of the Town shall continue to be known as the Board of Aldermen rather than the City Council, and the mayor and members of the Board of Aldermen shall continue to be elected as now provided by law.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 597 CHAPTER 313

AN ACT TO AMEND CHAPTER 144 OF THE PUBLIC-LOCAL LAWS OF 1937, AS AMENDED, RELATING TO THE CIVIL SERVICE ACT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Section 5, subdivision (4), of Chapter 144 of Public-Local Laws of 1937 is hereby amended by striking therefrom the words "sex, race".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 606 CHAPTER 314

AN ACT RELATING TO PARKING MOTOR VEHICLES IN TOWNSHIP NO. 4 IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. No person shall operate, park or leave standing any motor vehicle, whether attended or unattended, upon any sidewalk or walkway, whether paved or unpaved, or park or leave standing any motor vehicle in any marked or designated crosswalk on any street, road or highway in Township No. 4, Cabarrus County, North Carolina.

Any person violating this Act shall be fined not more than ten dollars ($10.00) or imprisoned for not more than ten days, or both, in the discretion of the Court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 607 CHAPTER 315

AN ACT TO AMEND CHAPTER 1229 OF THE 1963 SESSION LAWS SO AS TO AUTHORIZE THE USE OF NONTAX FUNDS FOR LOCAL DEVELOPMENT PURPOSES IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 1229 of the 1963 Session Laws is amended by deleting, immediately after the word "Forsyth", the following: "County, Guilford County".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 610 CHAPTER 316

AN ACT INCREASING THE MEMBERSHIP OF THE AVERY COUNTY BOARD OF COUNTY COMMISSIONERS FROM THREE TO FIVE AND PROVIDING FOR THE APPOINTMENT OF THE ADDITIONAL MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. The Avery County Board of County Commissioners shall consist of five members.

Sec. 2. To the Board of County Commissioners of said county, now composed of three members, there is hereby appointed Dr. Lawson Tate, whose term shall expire on the first Monday in December 1970, and W. B. Wilkins, whose term shall expire on the first Monday in December 1968.

Sec. 3. At the election of county officers to be held in Avery County in 1968, there shall be elected three county commissioners. At said election the candidate receiving the highest number of votes shall serve for a term of four years, and the other two candidates who are elected shall serve for a term of two years.

Sec. 4. At the election of county officers to be held in Avery County in 1970, and biennially thereafter, there shall be elected four county commissioners. At said election the candidate receiving the highest number of votes shall serve for a term of four years and the other three candidates who are elected shall serve for a term of two years.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 611 CHAPTER 317

AN ACT RELATING TO THE PUBLICATION OF BUDGET ESTIMATES, BUDGET RESOLUTIONS, AND BUDGET CHANGES IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-119 is hereby amended by striking out the period at the end of said Section, inserting a semicolon in lieu thereof, and adding the following:

"Provided, further, that in Avery County such statement shall show in detail the budget estimate with respect to the budget of each separate county department, agency or activity."

Sec. 2. G. S. 153-121 is hereby amended by striking out the period at the end thereof, inserting a colon in lieu thereof, and adding the following words:

"Provided, however, that in Avery County a copy of the budget resolution shall, within twenty days after its adoption, be published in at least one newspaper published in the county and shall be in sufficient detail to show the separate appropriation for each county department, agency or activity; provided, that within twenty days of adoption of any amendment to the budget resolution or making any change in the appropriation for any county department, agency or activity in Avery County, there shall likewise be published within twenty days after such change or amendment, a detailed statement indicating all changes with respect to all county departments, agencies or activities."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 612 CHAPTER 318

AN ACT TO EXEMPT DARE COUNTY FROM THE PROVISIONS OF G. S. 18-45(15), RELATING TO THE ENFORCEMENT OF A. B. C. LAWS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-45(15), as the same appears in 1965 Replacement Volume 1C, is hereby amended by adding at the end thereof the following:

"This subdivision is not applicable to Dare County."

Sec. 2. The Sheriff's Department of Dare County shall assume custody and control of the car, pistol and other weapons and equipment in the possession of the Dare County A. B. C. enforcement officer.

Sec. 3. Within 30 days after the ratification of this Act, the Dare County A. B. C. Board shall at the end of each quarter, after the regular quarterly audit has been made, transfer to the Board of Commissioners of Dare County the sum of five per cent (5%) of the total profits resulting from the operation of the Dare County A. B. C. stores during said quarter; such sum shall be for the use of the Law Enforcement Division of the Dare County Sheriff's Department.

Sec. 4. The Sheriff's Department of Dare County shall cooperate with the Dare County A. B. C. Board in the enforcement of the A. B. C. laws within Dare County.

Sec. 5. This Act shall apply only to Dare County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 620 CHAPTER 319

AN ACT AMENDING G. S. 153-9(35½) AND 153-9(35¾) RELATING TO THE AUTHORITY OF BOARDS OF COUNTY COMMISSIONERS TO EXPEND NONTAX AND TAX REVENUES FOR SOIL AND WATER CONSERVATION SO AS TO MAKE SAID ACTS APPLICABLE TO CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(35½) is amended by inserting after the word "Caswell" and before the word "Chatham", in line 8 thereof, the word "Catawba".

Sec. 2. G. S. 153-9(35¾) is amended by inserting after the word "Caswell" and before the word "Chatham", in the second paragraph thereof, the word "Catawba".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 623 CHAPTER 320

AN ACT TO AMEND CHAPTER 380, SESSION LAWS OF 1959, RELATING TO THE TRAVEL ALLOWANCE OF THE SHERIFF OF MACON COUNTY, AND FURTHER RELATING TO THE CREATION OF THE OFFICES OF TAX SUPERVISOR AND TAX COLLECTOR.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 380, Session Laws of 1959, is hereby amended by striking out the sentence beginning on line six thereof, re-

lating to the travel allowance of the sheriff, and substituting in lieu thereof the following sentence:

"In addition thereto the sheriff shall be entitled to a travel allowance as may be allowed him by the Board of County Commissioners, to be paid in equal monthly installments from the General Fund of the County, and not to exceed two thousand eight hundred dollars ($2,800.00) per year."

Sec. 2. Section 4 of Chapter 380, Session Laws of 1959, is hereby amended to read as follows:

"As of the effectual date of this Act, the Board of Commissioners of Macon County shall be empowered to create, in addition to the present office of County Accountant, the offices of Tax Supervisor and Tax Collector, to be filled by such persons of honesty and ability as the Board may designate, to perform such duties as may be defined by the said Board, and at salaries to be paid in the discretion of the Board of County Commissioners from the General Fund of the County; the said Board is also empowered to authorize the appointment of such deputies or assistants as may be deemed necessary to carry out the duties of said offices."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 637 CHAPTER 321

AN ACT TO AMEND GS 105-422, RELATING TO TAX LIENS, SO AS TO MAKE IT APPLICABLE TO GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in the 1965 Supplement to Volume 2D of the General Statutes, is hereby amended by deleting the word "Greene" in line 14 thereof.

Sec. 2. The provisions of G. S. 105-422 shall be applicable to Greene County: Provided, however, that this Section shall not be effective as to tax liens prior to 1942 until June 30, 1967; and, provided further, that as to tax liens for the year 1942 and thereafter, the provisions of G. S. 105-422 shall not become effective until June 30, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 644 CHAPTER 322

AN ACT TO FIX THE NUMBER OF COMMISSIONERS OF THE TOWN OF HUDSON AND TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MAYOR AND COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The number of Commissioners of the Town of Hudson shall consist of six members who shall be elected in the general election held

in May, 1969, when a Mayor is also elected. The Mayor, and the three Commissioners receiving the highest number of votes, will be elected for a term of two years and the three Commissioners receiving the next highest votes shall be elected for a term of one year. The Mayor and Commissioners will begin serving their term of office on July 1st after the election. And after the election held in May, 1969, all Commissioners together with the Mayor will be elected for a term of two years. The election shall be held each year on Tuesday after the first Monday in May.

Sec. 2. Any qualified voter of the Town of Hudson who desires to seek the office of either Mayor or Commissioner shall present his intent to become a candidate signed by him and accompanied by a petition signed by at least 15 qualified voters of the town. No person will be permitted to file for election after five o'clock p. m. on the second Friday before the general election held on Tuesday after the first Monday in May. No person shall be qualified to run for office in the Town of Hudson unless he is a qualified voter of the town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 649 CHAPTER 323

AN ACT TO AUTHORIZE THE APPOINTMENT OF A TAX COLLECTOR BY THE BOARD OF COMMISSIONERS OF GATES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Gates County is hereby authorized to appoint some qualified person as County Tax Collector or, in its discretion, to impose the duties and responsibilities of tax collection upon some other county office. The person responsible for the collection of taxes in Gates County shall have and perform those powers and duties imposed by law upon tax collectors, and such other duties as the Board of County Commissioners may designate.

Sec. 2. The person appointed as Tax Collector or the officer made responsible for the collection of taxes in Gates County shall give bond in such amount as the Board of County Commissioners deems sufficient and shall, as may otherwise be necessary, qualify before entering upon the duties of his office. The compensation for performance of the duties of tax collector shall be fixed by the Board of County Commissioners. Any vacancy in the office responsible for the collection of taxes shall be filled by appointment by the Board of County Commissioners.

Sec. 3. Until such time as the authority granted above is exercised by the Board of County Commissioners, the Sheriff and Constables now responsible for the collection of taxes in Gates County pursuant to Chapter 25, Public-Local Laws of 1919, as amended by Chapter 418, Public-Local Laws of 1933, shall continue to be responsible therefor until final settlement as required by law; provided, that notwithstanding the provisions of

any other law to the contrary, the Board of County Commissioners shall, in their discretion, determine and fix the compensation of persons charged with the collection of taxes in Gates County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 652 CHAPTER 324

AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF HENDERSON TO SUBMIT TO THE PEOPLE OF THE MUNICIPALITY THE QUESTION OF WHETHER OR NOT THE PROCESS OF FLUORIDATION SHOULD BE UTILIZED IN THE MUNICIPAL WATER SUPPLY.

The General Assembly of North Carolina do enact:

Section 1. The City Council may, in its discretion, submit within two years of the date of this Act the question of whether or not the process of fluoridation may be used in the municipal water supply of the City of Henderson to the voters of said municipality. Such election or referendum shall be held under the election provisions as contained in the Charter of the City of Henderson and shall in substance submit the question of whether the electors of the City of Henderson are for the process of fluoridation in the municipal water supply of Henderson or whether the electors of the City of Henderson are against such process. If a majority of the qualified electors voting in said election are for the use of fluorine in the municipal water supply, then, as a health measure, the process of fluoridation shall be used in such water supply. If a majority of the qualified electors voting said election or referendum are against the fluoridation process, then the same shall not be introduced into the water supply.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 670 CHAPTER 325

AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF COUNTY COMMISSIONERS OF ASHE COUNTY FROM THREE TO FIVE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5 is amended by inserting in line 2 of the first paragraph thereof, after the word "Alamance" and before the word "Beaufort", the word and punctuation "Ashe,".

Sec. 2. G. S. 153-5 is further amended by adding at the end thereof the following:

"At the election for county officers to be held in Ashe County in 1968, and quadrennially thereafter, there shall be elected two county commissioners who shall serve for terms of four years each and until their successors are elected and qualified. At the election to be held in Ashe County in 1970, and quadrennially thereafter, there shall be elected three county commissioners who shall serve for a term of four years each and until their successors are elected and qualified. Until two members shall have been duly elected at the general election of 1968 and shall qualify and take office along with other county officers of Ashe County, as otherwise provided by law, the membership of the Ashe County Board of Commissioners shall consist of three members."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 671

CHAPTER 326

AN ACT TO AMEND CHAPTER 843, SESSION LAWS OF 1959, RELATING TO THE ELECTION OF THE BOARD OF ALDERMEN OF THE TOWN OF WEST JEFFERSON, ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 1 of Chapter 843, Session Laws of 1959, is hereby amended to read as follows:

"An election for the selection of the Mayor and Board of Aldermen of the Town of West Jefferson shall be held on the first Tuesday after the first Monday in May, 1968; the Mayor shall be elected for a term of four years.

"The Board of Aldermen of West Jefferson shall consist of five members. At the Town election of May, 1968, there shall be nominated and elected five members of the Board of Aldermen. The two candidates receiving the highest number of votes shall be elected for a term of four years, and the three candidates receiving the next highest number of votes shall be elected for a term of two years. In 1970 and biennially thereafter, there shall be nominated and elected members of the Board of Aldermen to take the place of the members whose terms next expire, and the persons so elected shall serve for terms of four years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 676 CHAPTER 327

AN ACT FOR THE ESTABLISHMENT OF A BIRD SANCTUARY ON ROANOKE ISLAND.

The General Assembly of North Carolina do enact:

Section 1. Roanoke Island, located in Dare County, is hereby declared a bird sanctuary.

Sec. 2. The protection of this Act shall not extend to any birds classified as predatory by the Wildlife Resources Commission in the General Statutes of North Carolina.

Sec. 3. It shall be unlawful for any person to hunt, kill or trap, or attempt to hunt, kill or trap any birds within the territorial limits of Roanoke Island; provided, however, that those areas of marsh on Roanoke Island where water fowl is hunted in open season are exempt from the provisions of this Act. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00), or imprisoned for not more than 30 days.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 688 CHAPTER 328

AN ACT AMENDING CHAPTER 251 OF THE PUBLIC-LOCAL LAWS OF 1937 RELATING TO THE ROWAN COUNTY AUDITOR.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 251 of the Public-Local Laws of 1939 is hereby rewritten to read as follows:

"Commencing on the first Monday in December 1970, and biennially thereafter, the Auditor of Rowan County shall be appointed by the Board of County Commissioners of Rowan County for a two-year term. Any vacancy in the office of Auditor shall be filled by the Board of County Commissioners for the unexpired term."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 692 CHAPTER 329

AN ACT TO AUTHORIZE THE CITY OF WILLIAMSTON TO ACQUIRE LAND FOR SANITARY LANDFILL OR GARBAGE DISPOSAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. In addition to the authority granted the City of Williamston by G. S. 160-204 and G. S. 160-205 to acquire land for city purposes, the

city is also hereby authorized to acquire by purchase pursuant to G. S. 160-204 or by eminent domain pursuant to G. S. 160-205 any land in fee simple or any lesser interest in land, either within or without its corporate limits, for sanitary landfill or other garbage disposal purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 696 CHAPTER 330

AN ACT RELATING TO THE PUBLICATION, OR POSTING IN LIEU OF PUBLICATION, OF THE MONTHLY DISBURSEMENTS OF THE BOARD OF COMMISSIONERS OF CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Caswell County may, in their discretion, publish monthly, in a newspaper having general circulation in said County, a statement showing the disbursements made by said Board at each monthly meeting.

Sec. 2. In the event the Board, in its discretion, chooses not to publish a monthly statement showing the disbursements made by said Board, it shall, in lieu thereof, post monthly, at the courthouse door a statement showing the disbursements made by said Board.

Sec. 3. The statement required hereby, whether published or posted, shall be signed by the clerk of said Board and shall contain the name of the party to whom paid, the amount paid and shall state for what purpose.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

H. B. 697 CHAPTER 331

AN ACT RELATING TO THE PUBLICATION OF BUDGET ESTIMATES, BUDGET RESOLUTIONS, AND BUDGET CHANGES IN CASWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-119 is hereby amended by striking out the period at the end of said Section, inserting a semicolon in lieu thereof, and adding the following:

"Provided, further, that in Caswell County such statement shall show in detail the budget estimate with respect to the budget of each separate county department, agency or activity."

Sec. 2. G. S. 153-121 is hereby amended by striking out the period at the end thereof, inserting a colon in lieu thereof, and adding the following words:

"Provided, however, that in Caswell County a copy of the budget resolution shall, within twenty days after its adoption, be published in at least one newspaper published in the county and shall be in sufficient detail to show the separate appropriation for each county department, agency or activity; provided, that within twenty days of adoption of any amendment to the budget resolution or making any change in the appropriation for any county department, agency or activity in Caswell County, there shall likewise be published within twenty days after such change or amendment, a detailed statement indicating all changes with respect to all county departments, agencies or activities."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1967.

S. B. 248 CHAPTER 332

AN ACT TO RATIFY AND CONFIRM THE ORGANIZATION AND CREATION OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE AND MAKE IT SUBJECT TO SUBCHAPTER III, CHAPTER 156 OF THE GENERAL STATUTES OF NORTH CAROLINA.

WHEREAS, Robeson County Drainage District Number One was established by Order of the Clerk of the Superior Court of Robeson County on the 29th day of February, 1912, pursuant to the provision of what is now Subchapter III of Chapter 156 of the General Statutes of North Carolina; and

WHEREAS, the Commissioners of the said Drainage District caused a system of canals and other improvements to be constructed; and

WHEREAS, there have been no assessments levied upon the lands within the said Drainage District for many years; and

WHEREAS, the canals and other improvements constructed by the said Drainage District need to be renovated and improved: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The organization and creation of Robeson County Drainage District Number One is hereby confirmed and ratified in all respects, and it is hereby declared to be an existing drainage district with all the power and privileges provided by Subchapter III of Chapter 156 of the General Statutes of North Carolina.

Sec. 2. That the boundaries of Robeson County Drainage District Number One are hereby confirmed and ratified as being those described in the Order of the Clerk of the Superior Court of Robeson County creating said Drainage District.

Sec. 3. That the rights of way and easements as acquired by said organizational proceeding are hereby confirmed and ratified as being owned by Robeson County Drainage District Number One.

That if the width of said rights of way and easements cannot be determined from said organizational proceedings; the said Robeson County Drainage District Number One is hereby declared to be the owner of that area of land upon which existing canals and improvements are located, extending from the outer edge of the existing spoil bank to the outer edge of the spoil bank on the opposite side of the canal. If there is not a spoil bank on the opposite side of the canal, then to a point 10 feet beyond the opposite edge of the existing canal.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 249

CHAPTER 333

AN ACT TO MAKE GS 153-152, RELATING TO THE COUNTY POOR, APPLICABLE TO ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-152 is hereby amended by deleting the word "Robeson" from the second line from the end thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 273

CHAPTER 334

AN ACT TO AMEND CHAPTER 466 OF THE SESSION LAWS OF 1959 RELATING TO SALARIES OF THE MAYOR AND CITY COUNCILMEN OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 466 of the Session Laws of 1959 is hereby amended by rewriting subsection (3) thereof to read as follows:

"(3) The salary of the Mayor shall be fixed by the City Council. The salary of each City Councilman shall be seventy-five dollars ($75.00) per month."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 291 **CHAPTER 335**

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, NORTH CAROLINA, AS REVISED, REORGANIZED AND AMENDED BY CHAPTER 447 OF THE SESSION LAWS OF 1961.

The General Assembly of North Carolina do enact:

Section 1. Article 3, entitled "BOARD OF ALDERMEN", of Chapter 447, of the Session Laws of 1961, is amended by deleting subsection (d), as it is now written, from Section 2 of the Article and inserting a new subsection (d) to read as follows: "(d) Each member of the Board of Aldermen shall receive an annual salary of twelve hundred dollars ($1200.00) to be paid in such installments as the Board may from time to time determine."

Sec. 2. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 299 **CHAPTER 336**

AN ACT TO AMEND G. S. 105-279 AND G. S. 105-406 TO ALLOW THE BOARD OF COMMISSIONERS OF ONSLOW COUNTY TO REFUND TAXES FOR BACK YEARS ERRONEOUSLY ASSESSED AND COLLECTED DUE TO CLERICAL ERRORS IN VALUATION OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Onslow County is hereby authorized to refund any ad valorem property tax which the Board determines was erroneously assessed and collected due to clerical errors resulting in the overvaluation of the taxpayer's property regardless of the time when such errors are discovered.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 306 **CHAPTER 337**

AN ACT AMENDING CHAPTER 391, SESSION LAWS OF 1955, RELATING TO THE SALARIES OF THE MEMBERS OF THE CITY COUNCIL AND THE MAYOR OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 391, Section 2, Session Laws of 1955, is hereby amended to read as follows:

"The compensation of the Mayor of the City of High Point shall be a salary of three thousand dollars ($3,000.00) per year, payable from the general fund in 12 equal monthly installments. The compensation of each member of the City Council shall be a salary of one thousand eight hundred dollars ($1,800.00) per year, payable from the general fund in 12 equal monthly installments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on June 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 312

CHAPTER 338

AN ACT TO AUTHORIZE THE CITY OF ALBEMARLE TO APPROPRIATE NONTAX FUNDS TO THE STANLY COUNTY VOCATIONAL WORKSHOP.

WHEREAS, the Stanly County Vocational Workshop, Inc. is a nonstock and nonprofit corporation created and existing under and by virtue of the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina; and

WHEREAS, the purpose of said corporation is to provide vocational training and employment for persons who are so handicapped by reason of physical or mental condition or from multiple disabilities that the handicapped person cannot compete in the regular job market; and

WHEREAS, said corporation now maintains and operates a sheltered workshop in Albemarle, Stanly County, North Carolina, for the training of such handicapped persons; and

WHEREAS, the Board of Commissioners of the City of Albemarle desires authority, in its discretion, to appropriate from nontax revenue sources the sum of four thousand dollars ($4,000.00) to defray the costs of maintaining and operating said workshop for the aforesaid purposes; and

WHEREAS, said Board of Commissioners of the City of Albemarle desires authority, in its discretion, to appropriate from nontax revenue sources annually, subsequent to the fiscal year 1966-1967, a sum not exceeding four thousand dollars ($4,000.00) to defray the costs of operating and maintaining said workshop as aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the City of Albemarle is authorized, in its discretion, to appropriate from nontax revenue sources the sum of four thousand dollars ($4,000.00) to defray the costs of operating and maintaining the sheltered workshop of the Stanly County Vocational Workshop, Inc.

Sec. 2. The Board of Commissioners of the City of Albemarle also is authorized, in its discretion, to appropriate from nontax revenue sources annually each fiscal year, subsequent to the fiscal year 1966-1967, a sum not exceeding four thousand dollars ($4,000.00) to defray the costs of operating and maintaining the sheltered workshop of the Stanly County Vocational Workshop, Inc.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 322 **CHAPTER 339**

AN ACT TO AMEND G. S. 153-10.1, RELATING TO REMOVAL AND DISPOSAL OF TRASH, GARBAGE, ETC., SO AS TO MAKE SAID SECTION APPLICABLE TO CARTERET, CRAVEN AND PAMLICO COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-10.1, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by inserting the words "Carteret, Craven," immediately after the word "Cabarrus," and immediately before the word "Forsyth" in the first line of the last paragraph thereof, and the word "Pamlico," immediately after the word "Northampton," in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 323 **CHAPTER 340**

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN CARTERET, CRAVEN AND PAMLICO COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Carteret, Craven and Pamlico Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 325 **CHAPTER 341**

AN ACT TO AMEND CHAPTER 954, SESSION LAWS OF 1955, RELATING TO LIQUOR STORES IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 954, Session Laws of 1955, is hereby amended by deleting the words "City Board of Elections" in line 2, and by inserting in lieu thereof the words "governing body", and by deleting

the words "City Board of Elections" in lines 8, 14, and 15, and inserting in lieu thereof the words "governing body of the City of Hendersonville".

Sec. 2. The chairman and the other two members, appointed by the governing body of the City of Hendersonville to the City Board of Alcoholic Control, shall take office on July 1, 1968.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 51 CHAPTER 342

AN ACT TO MAKE THE WILFUL DAMAGING OF OCCUPIED PROPERTY BY THE USE OF HIGH EXPLOSIVES A FELONY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 14 of the General Statutes is hereby amended by adding thereto the following Section:

"Sec. 14-49.1. Wilful Damage of Occupied Property. Any person who shall wilfully and maliciously damage or attempt to damage any dwelling, building, vehicle, real or personal property of any kind or nature, being at the time occupied by one or more other persons, by the use of nitroglycerine, dynamite, gunpower or other high explosive, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the State prison for not less than 10 years and not more than life."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 159 CHAPTER 343

AN ACT TO ASSURE ADEQUATE AND CONTINUING AMBULANCE SERVICES TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. It is hereby declared as a matter of State policy:

(1) That, in order to preserve, protect, and promote the public health, safety, and general welfare, adequate and continuing ambulance services should be available to every citizen of North Carolina.

(2) That uniform minimum standards of adequacy should be prescribed and enforced by and through appropriate State and local agencies in order to assure safe, sanitary, and competent ambulance services.

(3) That, insofar as it is economically feasible, ambulance services should be provided by private enterprise.

(4) That, upon the failure of private enterprise to provide adequate and continuing ambulance services in any county, the board of county

commissioners of such county should be authorized to provide, or cause to be provided within said county, such services.

Sec. 2. Section 130-3 of the North Carolina General Statutes is hereby amended as follows: (1) by adding a new subsection to be designated "(a)" and to read as follows:

"(a) Ambulance includes any privately or publicly owned vehicle that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation upon the streets or highways in this State of persons who are sick, injured, wounded or otherwise incapacitated or helpless. Vehicles designed primarily for rescue operations and which do not ordinarily transport persons upon the streets or highways are excluded."

(2) by redesignating all present subsections accordingly.

Sec. 3. Chapter 130 of the North Carolina General Statutes is hereby amended by adding thereto a new Article to be designated "Article 26. Regulation of Ambulance Services" and to read as follows:

"Article 26.

"Regulation of Ambulance Services

"G. S. 130-230. Permit Required to Operate Ambulance. (a) No person, firm, corporation, or association, either as owner, agent, or otherwise, shall hereafter furnish, operate, conduct, maintain, advertise, or otherwise engage in or profess to be engaged in the business or service of transporting patients upon the streets or highways in North Carolina unless he holds a currently valid permit for each ambulance used in such business or service, issued by the State Board of Health or a duly authorized representative thereof.

"(b) Before a permit may be issued for a vehicle to be operated as an ambulance, its registered owner must apply to the Board for an ambulance permit. Application shall be made upon forms and according to procedures established by the Board. Prior to issuing an original or renewal permit for an ambulance, the Board shall determine that the vehicle for which the permit is issued meets all requirements as to medical equipment and supplies and sanitation as set forth in this Article and in the regulations of the Board. Permits issued for ambulances shall be valid for a period specified by the Board, not to exceed one year.

"(c) Duly authorized representatives of the Board may issue temporary permits for vehicles not meeting required standards valid for a period not to exceed 60 days, when it determines the public interest will be served thereby.

"(d) When a permit has been issued for an ambulance as specified herein, the vehicle for which issued, and records relating to maintenance and operation of such vehicle shall be open to inspection by duly authorized representatives of the Board at all reasonable times.

"(e) The issuance of a permit hereunder shall not be construed so as to authorize any person, firm, corporation, or association to provide ambulance services or to operate any ambulances without a franchise in any county or municipality which has enacted an ordinance pursuant to G. S. 153-9(58) making it unlawful to do so.

"G. S. 130-231. Advisory Committee on Ambulance Service Created. For the purpose of assisting the State Board of Health in developing standards for use in the administration of this Article, there is hereby created the Advisory Committee on Ambulance Service. Such Committee shall be composed of nine members, one each designated by the North Carolina Funeral Directors Association, Inc., the Funeral Directors and Morticians Association of North Carolina, Inc., the North Carolina Ambulance Association, Inc., the Medical Society of the State of North Carolina, the North Carolina Hospital Association, the American National Red Cross, the North Carolina State Association of Rescue Squads, Inc., the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities. Each member shall serve at the pleasure of the organization which designated him, and his successor shall be designated in the same manner. The Committee shall choose its own chairman, and shall meet at the call of the chairman or at the call of the State Health Director.

"G. S. 130-232. State Board of Health to Adopt Standards for Equipment; Inspection of Medical Equipment and Supplies Required for Ambulances. (a) The Board shall adopt regulations specifying sanitation standards for ambulances. Regulations so adopted shall also require that the interior of the ambulance and the equipment within the ambulance be sanitary and maintained in good working order at all times.

"(b) Every ambulance shall be equipped with the medical equipment and supplies specified by the 'Minimal Equipment List For Ambulances and Dual Purpose Vehicles Serving as Ambulances' as approved by the Committee on Trauma of the American College of Surgeons on January 14, 1961; provided, however, the State Board of Health, with the approval of the Advisory Committee on Ambulance Service, may require additional equipment or supplies to be aboard ambulances or may delete items of medical equipment or supplies from the required Minimal Equipment List adopted herein by reference.

"(c) The Board shall inspect medical equipment and supplies required of ambulances when it deems such inspection is necessary and maintain a record thereof. Upon a determination, based upon an inspection, that required medical supplies or equipment fail to meet the requirements of this Article or regulations adopted pursuant hereto, the Board shall suspend the permit for the ambulance concerned, until such requirements are met.

"G. S. 130-233. Certified Ambulance Attendant Required. (a) Every ambulance, except those specifically excluded from the operation of this Article, when operated on an emergency mission in this State shall be occupied by at least one person who possesses a valid Ambulance Attendant's Certificate from the Board. This Section shall not be construed to require a person other than the driver to be aboard if the driver is properly certified by the Board as an ambulance attendant.

"(b) The Board shall adopt regulations setting forth the qualifications required for certification of ambulance attendants. Such regulations shall be effective when approved by the Advisory Committee on Ambulance Service.

"(c) Persons desiring certification as ambulance attendants shall apply to the Board using forms prescribed by that agency. Upon receipt of such application the Board shall examine the applicant and if it determines the applicant meets the requirements of its regulations duly adopted pursuant to this Article, it shall issue a certificate to the applicant. Ambulance Attendant's Certificates so issued shall be valid for a period not to exceed two years and may be renewed after re-examination if the holder meets the requirements set forth in the regulations of the Board. The Board is authorized to cancel a certificate so issued at any time it determines that the holder no longer meets the qualifications prescribed for ambulance attendants.

"(d) Duly authorized representatives of the Board may issue temporary certificates with or without examination when it finds that such will be in the public interest. Temporary certificates shall be valid for a period not exceeding 90 days.

"G. S. 130-234. Exemptions. (a) The following are exempted from the operation of the provisions of this Article:

"(1) Privately owned vehicles not ordinarily used in the business of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless;

"(2) A vehicle rendering service as an ambulance in case of a major catastrophe or emergency when the ambulances with permits and based in the locality of the catastrophe or emergency are insufficient to render the services required;

"(3) Ambulances based outside this State, except that any such ambulance receiving a patient within this State for transportation to a location within this State shall comply with the provisions of this Article;

"(4) Ambulances owned and operated by an agency of the United States Government.

"G. S. 130-235. Violation Declared Misdemeanor. It shall be the duty of the registered owner of the vehicle concerned to see that the provisions of this Article and all regulations adopted hereunder are complied with. Upon the violation of any regulation adopted under authority of this Article, the State Board of Health shall have power to revoke or suspend the permits of all vehicles owned or operated by the violator. The operation of an ambulance without a valid permit therefor, or the operation thereof after any permit has been suspended or revoked, or the operation thereof without having a certified attendant aboard as required by G. S. 130-233, shall constitute a misdemeanor punishable by a fine or imprisonment or both in the discretion of the court."

Sec. 4. Paragraph 1 of G. S. 20-10 is hereby amended by adding the following sentence immediately following the period (.) in line 3: "For purposes of this Section, an ambulance when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a public passenger-carrying vehicle."

Sec. 5. Section 153-9 of the North Carolina General Statutes is hereby amended by adding the following subsection to be designated as subsection (58) and to read as follows:

"(58) (a) Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing ambulance services and that exercise of the powers enumerated below are necessary to preserve, protect and promote the public health, safety and general walfare, boards of county commissioners within their respective counties are hereby granted powers to:"

"(1) Enact an ordinance making it unlawful to provide ambulance services or to operate ambulances without having been granted a franchise to do so;

"(2) Grant franchises to ambulance operators, based within or without the county; "provided, that any ambulance operator providing ambulance services in any county upon the date of ratification of this Act and who continues to provide such services up to and including the effective date of any ordinance adopted pursuant to this subsection, and who submits to the board of commissioners of any such county evidence satisfactory to the board of such continuing service, shall be entitled to a franchise to serve at least that part of said county in which such service has been continuously provided, and the board of commissioners of any such county shall, upon finding that all other requirements of this Act are met, grant such franchise;"

"(3) Limit the number of ambulances to be operated within the county, and by any operator;

"(4) Determine and prescribe areas of franchised service within the county;

"(5) Fix and change from time to time reasonable charges for franchised ambulance services;

"(6) Set minimum limits of liability insurance coverage for ambulances;

"(7) Contract with franchised ambulance operators for transportation to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the county welfare authorities to be public assistance recipients;

"(8) Establish other necessary regulations not inconsistent with statutes or regulations of the State Board of Health relating to ambulance service.

"In addition to the powers set forth above, the board of commissioners of any county or any portion thereof is hereby authorized to provide, or cause to be provided, ambulance service and shall have the power to own, operate and maintain ambulances, to provide and to make reasonable charges for ambulance services, or to contract with any public or private agency, person, firm, corporation or association, including public and private hospitals, for the rendering of ambulance services.

"In order to finance the costs of assuring adequate and continuing ambulance services in any manner authorized by this Act, boards of county commissioners are hereby authorized, in addition to the expenditure of nontax funds, to levy annually a special tax at such rate as may be necessary on each one hundred dollars ($100.00) of assessed valuation of taxable property within the county or within any portion of the county affected by lack of ambulance services; such special property tax shall be in addition to any tax allowed by law for such purpose and shall be in addition to the

rate allowed by the Constitution for general purposes and may be levied in a special tax district created by the board of county commissioners in any portion of the county affected by lack of ambulance service. Such levy and the expenditure of the proceeds thereof for the purposes authorized herein are hereby declared to be a necessary expense and a special purpose and the special approval of the General Assembly is hereby given for such levy.

"In the event that a court of competent jurisdiction should decide that such levy and expenditure is not a necessary expense, then and in such event, the boards of county commissioners shall thereupon have the power and authority to call a referendum upon the question of the levy of such tax in the same manner and according to the laws governing general elections for county officers in the respective counties.

"(b) Any municipality may exercise, within its corporate limits only, all those powers enumerated in paragraph (a) of this subsection either upon the request of a municipality to the board of county commissioners and upon the adoption by the board of county commissioners of a resolution permitting such exercise, or after 180 days written notice to the board of county commissioners if the county is not exercising such powers at the end of such 180 days period.

"(c) No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within a municipality which is at the time exercising such powers until 180 days after written notice to the governing body of the municipality.

"(d) Nothing herein shall be construed so as to authorize any county to regulate in any manner ambulances owned and operated by a municipality, or to authorize any municipality to regulate in any manner ambulances owned and operated by a county.

"(e) Any ambulance operated by a county or a municipality under authority of this Section shall be subject to the provisions of G. S. 130-230 through 130-234 and to the regulations of the State Board of Health adopted thereunder."

Sec. 6. Article 36 of Chapter 14 of the North Carolina General Statutes is hereby amended by adding a new Section to be designated "G. S. 14-286.1" and to read as follows:

"G. S. 14-286.1. Making False Ambulance Request. It shall be unlawful for any person to wilfully summon an ambulance or wilfully report that an ambulance is needed when such person does not have good cause to believe that the services of an ambulance are needed. Every person convicted of wilfully violating this Section shall upon conviction be punished by a fine not to exceed fifty dollars ($50.00) or imprisonment not to exceed 30 days or both such fine and imprisonment."

Sec. 7. The powers herein granted to counties and municipalities are in addition to and not in substitution of existing powers granted by general laws or local acts.

Sec. 7½. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 8. Except as provided in Section 7 above, all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall become effective upon its ratification; provided that compliance with regulations and standards of the State Board of Health established pursuant to the authority granted by Section 3 of this Act shall be mandatory only after 90 days following the date of promulgation thereof by the State Board of Health.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 220 **CHAPTER 344**

AN ACT TO AMEND CHAPTER 124, SESSION LAWS OF 1961 RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 124, Session Laws of 1961, is amended by striking the words and numbers "one thousand and eighty dollars ($1,080.00)" in line 5 thereof, and substituting in lieu thereof the words and figures "one thousand eight hundred dollars ($1,800.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification and shall be effective retroactively to February 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 221 **CHAPTER 345**

AN ACT TO FIX THE COMPENSATION OF THE SHERIFF, CLERK OF SUPERIOR COURT, REGISTER OF DEEDS, JUDGE OF THE COUNTY RECORDER'S COURT AND THE SOLICITOR OF THE COUNTY RECORDER'S COURT OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Rutherford County shall receive as compensation for services rendered in such capacity an annual salary of seven thousand dollars ($7,000.00), payable monthly out of the general funds of said county.

Sec. 2. The Clerk of Superior Court of said county shall receive as compensation for services rendered in such capacity an annual salary of seven thousand dollars ($7,000.00), payable monthly out of the general funds of said county.

Sec. 3. The Register of Deeds of said county shall receive as compensation for services rendered in such capacity an annual salary of six thousand five hundred fifty dollars ($6,550.00), payable monthly out of the general funds of said county.

Sec. 4. The Judge of the County Recorder's Court of said county shall receive as compensation for services rendered in such capacity an annual

salary of five thousand five hundred dollars ($5,500.00), payable monthly out of the general fund of said county.

Sec. 5. The Solicitor of the County Recorder's Court of said county shall receive as compensation for services rendered in such capacity an annual salary of five thousand two hundred dollars ($5,200.00), payable monthly out of the general fund of said county.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect upon its ratification and shall be effective retroactively to February 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 273 CHAPTER 346

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Edgecombe County, Cleveland County and Moore County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 281 CHAPTER 347

AN ACT TO MAKE ARTICLE 17, CHAPTER 66, OF THE GENERAL STATUTES, RELATING TO CLOSING-OUT SALES, APPLICABLE TO PERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84 as the same appears in the 1965 Cumulative Supplement to Volume 2C of the General Statutes is hereby amended by inserting therein the word "Person," immediately after the word "Orange," and before the word "Pitt".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 381 **CHAPTER 348**

AN ACT INCREASING THE COMPENSATION OF MEMBERS OF THE BOARD OF EDUCATION OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 1060 of the 1965 Session Laws is amended by striking from lines 2 and 3 thereof the words and figures "fifteen dollars ($15.00)" and substituting in lieu thereof the words and figures "twenty dollars ($20.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 476 **CHAPTER 349**

AN ACT RELATING TO THE COMPENSATION AND TRAVEL ALLOWANCE OF CERTAIN OFFICIALS AND EMPLOYEES OF HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In lieu of all other compensation, the Clerk of the Superior Court of Hyde County shall be paid a monthly salary to be fixed by the Board of County Commissioners in an amount of not less than three hundred thirty-five dollars ($335.00) and not more than four hundred thirty-five dollars ($435.00) per month, to be paid from the general fund of Hyde County. The amount of such monthly salary shall be fixed on or before July 3, 1967, and the salary so fixed shall be effective from July 1, 1967 until such time as said clerk will become a State official under the Uniform Court Act in December, 1968.

Sec. 2. From and after July 1, 1967, the Register of Deeds of Hyde County shall be paid such annual salary as may be fixed by the Board of County Commissioners of Hyde County in an amount not less than four thousand dollars ($4,000.00) nor more than five thousand two hundred dollars ($5,200.00) per year, payable in equal monthly installments out of the general fund of the county.

On or before July 3, 1967, said Board shall fix the salary of said Register of Deeds for the period beginning July 1, 1967, and ending on the first Monday in December, 1970. On or before the first Monday in April, 1970, said Board shall fix said salary for said Register for the four-year term of office beginning on the first Monday in December, 1970. On or before the first Monday in April of each four-year period thereafter, said Board shall fix said Register's salary to be effective for the next ensuing four-year term to begin on the first Monday in December following the date when said salary is set.

Should said Board fail or neglect to set the Register's salary as above provided, the salary schedule then in effect for said Register shall continue in effect for the next four-year term.

The Clerk of the Superior Court and the Register of Deeds of Hyde County shall continue to collect the fees of their office, but they shall pay them into the general fund of said county.

Sec. 3. Beginning on the first Monday in December, 1968, each member of the Hyde County Board of Education and the Hyde County Board of County Commissioners shall be paid twenty-five dollars ($25.00) per day while engaged in the duties of their office, said compensation to be payable from the same funds as the per diem presently being received.

Sec. 4. The Board of County Commissioners of Hyde County shall annually fix the rate of mileage allowance for officials and employees of Hyde County who are entitled to a mileage allowance, which rate shall be uniform, and which rate shall be not less than eight cents (8¢) nor more than ten cents (10¢) per mile of actual travel.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 482 CHAPTER 350

AN ACT TO PREVENT THE DISCHARGE OF FIREARMS ON ANY PUBLIC HIGHWAY OR STREET IN CATAWBA COUNTY, SO AS TO INSURE THE SAFETY OF THE GENERAL PUBLIC AND TO PREVENT DESTRUCTION OF PUBLIC PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to discharge or fire any pistol, shotgun, rifle, or other firearm of any description whatsoever on, or from any public street or highway, or the rights of way thereof, in Catawba County; provided, however, that this Act shall not apply to the following persons: Officers and enlisted personnel of the Armed Forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State Guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties. Any person convicted of violating the provisions of this Section shall be guilty of a misdemeanor and shall be punished by fine, imprisonment, or both, in the discretion of the court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 495 **CHAPTER 351**

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF THE FRANKLIN COUNTY INDUSTRIAL DEVELOPMENT COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Each member of the Industrial Development Commission of Franklin County, created pursuant to the provisions of Chapter 212 of the Session Laws of 1959, shall be paid a per diem of ten dollars ($10.00) per meeting not to exceed twelve meetings in any one fiscal year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 530 **CHAPTER 352**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINEVILLE, RELATING TO WATER AND SEWER SERVICE.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 296 of the Session Laws of 1965 is hereby amended by adding the following subdivisions at the end thereof:

"(8) To furnish water and sewer service as may be economically practical outside the corporate limits.

"(9) To hire, construct, own, maintain, operate, or lease water and sewer lines, tanks, water supply and all other equipment and services necessary to the supplying of water and sewer services."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 569 **CHAPTER 353**

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE GOVERNING BODY OF THE TOWN OF LILLINGTON IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Lillington is hereby authorized, in its discretion, to fix the salary of the Mayor at a sum not to exceed sixty dollars ($60.00) per month, and to fix the salaries of the members of the governing body of the Town of Lillington at a sum not to exceed forty dollars ($40.00) per month. The authority to fix salaries as provided herein shall not be effective until after the 1967 regular municipal election in the Town of Lillington.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 575 CHAPTER 354

AN ACT TO AMEND ARTICLE 3A, CHAPTER 69 OF THE GENERAL STATUTES, TO ALLOW THE TOWN OF CAMERON TO FORM A RURAL FIRE PROTECTION DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding provisions to the contrary in Article 3A, Chapter 69 of the General Statutes, the Town of Cameron and the surrounding area adjacent thereto is hereby authorized to form a rural fire protection district, to be known as Cameron Rural Fire Protection District, Inc., within the town's corporate limits and the surrounding area outside such limits and more particularly described as follows:

BEGINNING at a point .2 mile West of Beaver Creek on Highway No. 27; thence in a northerly direction to a point .1 mile West of Green Grove Church on Lee-Moore County Line Road; thence northerly to intersection of Lemon Springs and Holt Road; thence northwesterly to Rocky Fork Church on old U. S. Highway No. 1; thence northwesterly to a point on U. S. Highway No. 1, .4 mile North of intersection of Blakely Road and U. S. Highway No. 1; thence in a westerly direction to a point .4 mile West of intersection of Blakely Road and U. S. Highway No. 1 on Blakely Road; thence in a westerly direction to a point on White Hill Road .1 mile North of intersection of Kelly Road and White Hill Road; thence in a southwesterly direction to the intersection of Lambs Grove Road and Wicker Road; thence southwesterly to Herds Creek on old Carthage Road; thence in a southerly direction to Herds Creek on Highway No. 27; thence in a southeasterly direction to a point on Womack Road .6 mile southeast of intersection of Womack Road and Highway No. 27, continuing in a southeasterly direction to intersection of Edmonds Road and Womack Road, continuing in a southeasterly direction to intersection of Womack Road and U. S. Highway No. 1 at Routh's Station; thence in an easterly direction to a point on Piney Wood Church Road .1 mile North of intersection of Thomas Road and Piney Wood Church Road; thence northeasterly to a point on Hunt Road .25 mile South of intersection of Betty Cameron Road and Hunt Road; thence northeasterly to point of BEGINNING.

All other provisions in Article 3A, Chapter 69 of the General Statutes including those on election, taxation, administration of funds, etc., shall apply. Moore and Lee Counties shall share costs and taxes as provided in G. S. 69-25.9.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 579 CHAPTER 355

AN ACT AMENDING G. S. 14-129 (RELATING TO THE TAKING OF CERTAIN WILD PLANTS FROM THE LAND OF ANOTHER) AS THE SAME APPLIES TO AVERY, MITCHELL AND WATAUGA COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-129 is amended by striking from line 14 thereof the word and punctuation "Mitchell,".

Sec. 2. G. S. 14-129 is further amended by striking from lines 10 and 11 thereof the words and figures "ten dollars ($10.00) nor more than fifty dollars ($50.00)" and substituting in lieu thereof the words and figures "fifty dollars ($50.00) nor more than two hundred dollars ($200.00)".

Sec. 3. G. S. 14-129 is further amended by adding at the end thereof a new paragraph as follows:

"In addition to the plants, shrubs and trees named in the preceding paragraph, it shall be unlawful in Avery, Mitchell and Watauga Counties for any person, firm, or corporation to dig, pull up, or take or attempt to dig, pull up or take from the land of another or from any public domain, the whole or any part of any plant, shrub, tree or seedling grown as, or intended as nursery stock, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. Any person convicted of violating the provisions of this Section shall be fined not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or by confinement in jail for 30 days, or by both fine and confinement in jail, in the discretion of the court.

Sec. 4. This Act shall apply only to Avery, Mitchell and Watauga Counties.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 598 CHAPTER 356

AN ACT TO AMEND CHAPTER 129 OF THE PRIVATE LAWS OF 1860-61 TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PRINCETON.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 129 of the Private Laws of 1860-61, as amended by Chapter 1289 of the Session Laws of 1957 and by Chapter 1025

of the Session Laws of 1961, is hereby further amended by inserting at the end thereof the following paragraph:

"The corporate limits of the Town of Princeton are hereby increased and extended to include the following-described territory: Beginning at a point in the South right of way of N. C. Highway No. 2372, said point being 30 feet from the center line of N. C. Highway No. 2372 and also being the intersection of the South right of way of said highway and the present city limits of the Town of Princeton and the line runs as the line of the present city limits North 38 degrees 20 minutes East 441 feet to a concrete post; thence as the present city limits North 51 degrees 40 minutes West 645 feet to a point in the present city limits where it is intersected by the property line between the lands of Jesse W. Langston and J. L. Bruton; thence as the property line between Jesse W. Langston and J. L. Bruton North 41 degrees 10 minutes East 377 feet to a point in said property line where the East property line of Camellia Drive intersects the said property line; thence as the East property line of Camellia Drive South 2 degrees 40 minutes West 462 feet to the intersection of the East property line of Camellia Drive and the North property line of an unnamed street; thence as the North property line of the unnamed street South 87 degrees 20 minutes East 350 feet to a stake in the East property line of Azalea Drive; thence as the East property line of Azalea Drive South 2 degrees 40 minutes West 560 feet to a point in the South property line of N. C. Highway No. 2372; thence as the South right of way of N. C. Highway No. 2372 North 87 degrees 20 minutes West 328 feet to the beginning."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 599 CHAPTER 357

AN ACT RELATING TO THE EXTRATERRITORIAL POWERS OF THE TOWNS OF SMITHFIELD AND SELMA.

The General Assembly of North Carolina do enact:

Section 1. In addition to the one-mile extraterritorial zoning and subdivision control authority granted to the Town of Smithfield by G. S. 160-181.2 and G. S. 160-226, the legislative body of the Town of Smithfield may also exercise such powers in that area lying more than one mile beyond the Town corporate limits and between the corporate limits and the boundary line described in Section 3 of this Act.

Sec. 2. In addition to the one-mile extraterritorial zoning and subdivision control authority granted to the Town of Selma by G. S. 160-181.2 and G. S. 160-226, the legislative body of the Town of Selma may also exercise such powers in that area lying more than one mile beyond the Town corporate limits and between the corporate limits and the boundary line described in Section 3 of this Act.

Sec. 3. The extraterritorial zoning and subdivision control authority granted to the Town of Smithfield and to the Town of Selma, respectively,

by G. S. 160-181.2 and G. S. 160-226, and by this Act, shall terminate at the following boundary line:

BEGINNING at a monument in the eastern right of way of Interstate Highway No. I-95, said monument being the southeast corner of a tract of land now owned by Sylvania Electric Products, Inc.; thence the line runs as Sylvania's eastern property line North 26 degrees 36 minutes 30 seconds West 2069.67 feet to a concrete monument in Mrs. A. M. Noble's line; thence as Mrs. Noble's line North 85 degrees 05 minutes 00 second West 440.43 feet to a point in the center of the Atlantic Coast Line Railroad right of way; thence as the center line of said railroad South 62 degrees 41 minutes West 208.35 feet, South 62 degrees 47 minutes 30 seconds West 200 feet, South 64 degrees 33 minutes 00 second West 198.50 feet and South 66 degrees 07 minutes 30 seconds West 51.91 feet to the southeast corner of a tract of land now owned by the Johnston County Produce Co.; thence as their eastern property line North 5 degrees 48 minutes 15 seconds East approximately 900 feet to the center line of U. S. Highway No. 301; thence as the center line of said highway in a southwesterly direction about 580 feet to a point which is 1760 feet East of the center line of N. C. Road No. SR 1923 measured at right angles; thence as a line parallel with SR 1923 on a bearing of North 5 degrees 45 minutes East 2800 feet to the beginning of a 2750 feet radius curve; said point being located 1760 feet East of the center line of N. C. Road No. SR 1923 measured at right angles; thence the line runs as the arc of the 2750 feet radius curve approximately 4260 feet to a point which is located 1760 feet from the center line of SR 1923 measured at right angles; thence the line runs on a bearing of North 84 degrees 32 minutes West approximately 5150 feet to the Neuse River.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 629 CHAPTER 358

AN ACT TO AMEND CHAPTER 761 OF THE 1963 SESSION LAWS RELATING TO WATERSHED IMPROVEMENT PROGRAMS IN FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 761 of the 1963 Session Laws be amended by deleting the words "for this purpose," as the same appears in line 12 of said Section 4.

Sec. 2. That there be added to Chapter 761 of the 1963 Session Laws a new Section to be numbered Section 4½ and to read as follows:

"Whenever the Board of County Commissioners of Forsyth County, as Trustees of the Watershed Improvement District, determines that it is necessary to enter upon the property of any person, firm or corporation in order to make soil tests to determine the feasibility of said soil for watershed improvement purposes, the said Board of County Commissioners

is hereby authorized to enter an order authorizing such entry by the representatives of any governmental unit or any person, firm or corporation designated by the Board of County Commissioners authorizing such entry; and in such case such entry may be made with or without the consent of the property owner; provided, however, this authority shall be exercised in a reasonable manner with the entry being made at a reasonable time and in a reasonable way, and every effort must be made not to unduly interfere with the normal operations of the property owner, and every effort must be made to return the area of the property owner to the same condition after said soil tests are made as it was before said soil tests were made."

Sec. 3. This Act shall apply only to Forsyth County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 630 CHAPTER 359

AN ACT TO MAKE ARTICLE 24A OF CHAPTER 153 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO SPECIAL ASSESSMENTS FOR WATER AND SEWERAGE FACILITIES, APPLICABLE TO FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-294.19, as the same appears in the 1965 Supplement to the General Statutes, be amended by deleting the word "Forsyth" from the fifth line thereof.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 638 CHAPTER 360

AN ACT TO AMEND CHAPTER 249, SESSION LAWS OF 1961, AND CHAPTER 67, PUBLIC-LOCAL AND PRIVATE LAWS OF 1933, SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY TO FIX THE SALARY OF THE SHERIFF, DEPUTY SHERIFFS AND TAX COLLECTOR OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 249, Session Laws of 1961, is hereby amended by rewriting Section 1 thereof to read as follows:

"Section 1. The Board of County Commissioners of Greene County is hereby authorized to fix, in its discretion, the salary of the Sheriff and Deputy Sheriffs of Greene County. The salaries fixed by the Board of

Commissioners shall be paid from the general fund of the county and shall be in lieu of all other fees and compensation. All fees allowed by law for the Sheriff and Deputy Sheriffs shall be paid into the general fund of the county."

Sec. 2. Chapter 67, Public-Local and Private Laws of 1933, is hereby amended by rewriting Section 3 thereof to read as follows:

"Sec. 3. The Board of County Commissioners of Greene County, in its discretion, may place with the tax collector taxes now evidenced by outstanding tax certificates for collection. The Board of County Commissioners of Greene County is hereby authorized, in its discretion, to fix the salary of the Tax Collector of Greene County, and such salary shall be in lieu of all other compensation for services performed by the tax collector."

Sec. 3. Section 7 and Section 8 of Chapter 249, Session Laws of 1961, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 643 CHAPTER 361

AN ACT RELATING TO MOSQUITO CONTROL IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 238, Session Laws of 1961, is amended by inserting in line three thereof, after the word "Pamlico" and before the word "and", the word and punctuation ", Dare".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 663 CHAPTER 362

AN ACT TO AMEND CHAPTER 119 OF THE SESSION LAWS OF 1961 RELATING TO THE SALARIES OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. Chapter III, Subchapter A, Section 3.02 (a), of the Charter of the City of Burlington as set out in Chapter 119 of the Session Laws of 1961, is hereby amended by striking the period after the word "election" at the end thereof and substituting a comma therefor, and adding thereto the following:

"Provided, that the salary which the Mayor shall receive for his services shall not exceed three thousand dollars ($3,000.00) per year, and the salary which each other Councilman shall receive for his services shall not exceed two thousand dollars ($2,000.00) per year."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 685 CHAPTER 363

AN ACT AMENDING THE TOWN CHARTER OF THE TOWN OF TOPSAIL BEACH, TO PERMIT THE LEVY AND COLLECTION OF AD VALOREM TAXES AT A RATE NOT EXCEEDING ONE DOLLAR AND FIFTY CENTS ($1.50) ON THE ONE HUNDRED DOLLAR ($100.00) VALUATION OF TAXABLE PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of Section 1 of Chapter 67 of the Session Laws of 1963 is hereby amended by striking out the words and amount: "fifty cents ($.50)" in line two of said subsection and by substituting in lieu thereof the words and amount: "one dollar and fifty cents ($1.50)".

Sec. 2. This Act shall apply only to the Town of Topsail Beach.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification and shall apply to ad valorem taxes due for the year 1968 and thereafter.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 689 CHAPTER 364

AN ACT TO AMEND THE CHARTER OF THE CITY OF MORGANTON.

The General Assembly of North Carolina do enact:

Section 1. From and after the effective date of this Act, Article 3 of Chapter 160 of the General Statutes shall be applicable to all elections held in the City of Morganton.

Sec. 2. The mayor of the City of Morganton shall be paid an annual salary of one thousand two hundred dollars ($1,200.00), payable in equal monthly installments, which shall be in full for all services rendered by him; and the aldermen of the City of Morganton shall each receive an annual salary of nine hundred dollars ($900.00), payable in equal monthly installments.

Sec. 3. The corporate limits of the City of Morganton shall be as follows:

"BEGINNING at the point of intersection of the center line of N. C. Highway 181 and the center line of Catawba River and runs thence down stream in a northerly direction with the meanders of the center line of Catawba River to the point of intersection of the center line of said river with the corporate limits boundary line of Morganton as fixed by the Charter of said city, as amended by Private Laws, Extra Session 1921,

Chapter 91, Section 1, and being that boundary line including all the territory situate within one and one-eighth mile of the center of the courthouse, the same being hereinafter designated the Charter boundary line; thence continuing in a northerly direction with said Charter boundary line to a point in the East right of way limit boundary line of Sanford Drive; thence continuing in a northerly direction with the East right of way limit boundary line of Sanford Drive 5,444.29 feet to a concrete monument located over the center line of an outfall sewer line; thence South 73 degrees 21 minutes East to the center line of N. C. Highway 18; thence South with the center line of N. C. Highway 18 to the Charter boundary line; thence the following courses and distances: North 3 degrees 08 minutes West 50 feet, North 23 degrees 05 minutes East 280 feet, South 67 degrees 45 minutes East 169.09 feet, North 7 degrees 47 minutes West 35 feet, North 10 degrees 56 minutes East 347.44 feet, North 48 degrees 10 minutes East 135 feet, North 65 degrees 59 minutes East 500 feet, South 24 degrees 10 minutes East 409.91 feet, South 60 degrees 01 minute East 300.06 feet, South 16 degrees 11 minutes East 535.00 feet to a point in the Charter boundary line; thence in an easterly direction with the Charter boundary line to the West right of way limit boundary line of the Warehouse Road; thence with the West right of way limit boundary line of said road North 01 degrees 11 minutes East 214.37 feet to a concrete monument; thence with the following courses and distances: North 56 degrees 00 minute West 383.5 feet, North 20 degrees 00 minute East 571 feet, South 84 degrees 00 minute East 350 feet, South 15 degrees West 242 feet, South 83 degrees East 211 feet, South 7 degrees West 30 feet, South 86 degrees 30 minutes East 45 feet, South 15 degrees 30 minutes West 456 feet, West 130 feet to the East right of way limit boundary line of the Warehouse Road; thence with East right of way limit boundary line of said road South 1 degree 11 minutes West 214.37 feet to the Charter boundary line; thence in a southeasterly direction with the Charter boundary line to a point in the South right of way limit boundary line of Southern Railway; thence in a northeasterly direction with said South right of way limit boundary line of Southern Railway right of way 500 feet to a concrete monument; thence southeasterly with the Griffin line to a point in center of Hunting Creek; thence in a southwesterly direction with the meanders of the center line of Hunting Creek to the Charter boundary line; thence in a southwesterly direction with the Charter boundary line to a concrete monument on the southwest side of Bethel Road; thence the following courses and distances: North 48 degrees 24 minutes East 438 feet, South 46 degrees 30 minutes East 244.57 feet, North 51 degrees 28 minutes East 343.66 feet, South 48 degrees 41 minutes 30 seconds East 2670.30 feet, to a point in the center line of East prong of Fiddlers Run Creek; thence with the center line of Fiddlers Run the following courses and distances: South 34 degrees 39 minutes West 1,085 feet, South 18 degrees 3 minutes 30 seconds East 139.98 feet, South 27 degrees 38 minutes 45 seconds West 94.84 feet, South 40 degrees 30 minutes 30 seconds East 374.92 feet, to a point in the center of Fiddlers Run Creek; thence leaving said creek South 52 degrees 40 minutes 30 seconds West 1351.80 feet to a point in the center of West prong of Fiddlers Run; thence upstream and with the meanders

of the center of the West prong of Fiddlers Run 4,350 feet to a point in the North right of way limit boundary line of Interstate Highway 40; thence in a westerly direction with the North right of way limit boundary line of Interstate 40 to a point in center of Hunting Creek; thence downstream and with the meanders of Hunting Creek 4,550 feet to the Charter boundary line; thence in a westerly direction with the Charter boundary line to a point in the center of Greenbriar Lane; thence with the center of Greenbriar Lane South 69 degrees 30 minutes West 350 feet to the center of Forest Hill Street; thence with center of Forest Hill Street North 1 degree East 315 feet to the Charter boundary line; thence in a northwesterly direction with the Charter boundary line to a point in center of Cedar Street; thence with the center of Cedar Street to a point in the center of Falls Street; thence with Falls Street South 1 degree 30 minutes West 120 feet to a concrete monument; thence North 88 degrees 32 minutes West 195 feet to an iron pipe; thence North 1 degree 50 minutes East 99.82 feet to South right of way limit boundary line of Cedar Street; thence with South right of way limit boundary line of Cedar Street to East right of way limit boundary line of Ann Street; thence with the East right of way limit boundary line of Ann Street South 1 degree West 160.96 feet to a concrete monument; thence North 88 degrees 40 minutes West 857.69 feet to a point in center of Morgan Branch; thence in a northwesterly direction and with the meanders of the center line of said Morgan Branch to the confluence of Morgan Branch and Asheville Street Branch; thence upstream and with the meanders of Asheville Street Branch in a northeasterly direction 415 feet to the Vernon Franklin property corner; thence with the Vernon Franklin property line North 34 degrees 30 minutes West 232 feet to a concrete monument in southeast right of way limit boundary line of Asheville Street; thence in a northeasterly direction with the southeast right of way limit boundary line of Asheville Street 866 feet to a concrete monument in Charter boundary line; thence in a northwesterly direction with the Charter boundary line to the center line of U. S. Highway 70; thence in a southwesterly and westerly direction with the center line of U. S. Highway 70 to a point opposite from and nearest to the East right of way limit boundary line of Sanford Drive; thence in a northerly direction to the point of intersection of the North right of way limit boundary line of U. S. Highway 70 and East right of way limit boundary line of Sanford Drive; thence in a northwesterly direction with the East right of way limit boundary line of Sanford Drive to a point in center of Silver Creek Road; thence in a westerly direction with the center of the old roadbed of Silver Creek Road to the center of Silver Creek at the old ford; thence in a northerly direction with the meanders of Silver Creek to its confluence with Catawba River; thence downstream and with the center line of Catawba River to the point of BEGINNING.

"Excepting the following:

"(1) All the State-owned lands on which Broughton Hospital and North Carolina School for the Deaf are located.

"(2) The land of T. H. Sain at intersection of U. S. Highway 70 and Walton Road.

"(3) The land of Mrs. Jerry Poovey and Donald C. Buff on Greenbriar Lane."

Sec. 4. The territory embraced within the corporate limits of the City of Morganton shall be divided into four wards, as hereinafter described, which shall not be changed except by an Act of the General Assembly. Provided, however, that in the event the corporate limits of the City of Morganton are extended, the Board of Elections shall enlarge the nearest ward so as to include the annexed area therein. The four wards shall be as follows:

Ward No. 1: BEGINNING at the intersection of the center line of Sterling Street and the center line of Union Street; and running thence northwesterly with the center line of Sterling Street to the center line of North Green Street; thence westerly with the center line of North Green Street to the corporate limits of the City of Morganton; thence northerly and easterly with the corporate limits of the City of Morganton to the intersection of the center line of East Union Street and the corporate limits of the City of Morganton; thence southwesterly with the center line of East Union Street to the BEGINNING.

Ward No. 2: BEGINNING at the intersection of the center line of Union Street and the center line of Sterling Street; and running thence northeasterly with the center line of East Union Street to the point where the center line of East Union Street intersects with the corporate limits of the City of Morganton; thence southerly with the said corporate limits of the City of Morganton to the intersection of said corporate limits with the center line of South Sterling Street; thence northwesterly with South Sterling Street to the place of BEGINNING.

Ward No. 3: BEGINNING at the intersection of the center line of Union Street and the center line of South Sterling Street; and running thence southeasterly with the center line of South Sterling Street to the point where the center line of South Sterling Street intersects with the corporate limits of the City of Morganton; thence with the corporate limits of the City of Morganton as the said line of corporate limits runs first in a southerly direction, then in a westerly direction, then in a northerly direction, and then in a westerly direction until it intersects with the center line of West Union Street; thence with the center line of West Union Street to the point and place of BEGINNING.

Ward No. 4: BEGINNING at the intersection of the center line of West Union Street and the center line of Sterling Street and running thence with the center line of West Union Street southwesterly to the point of intersection of the center line of said street with the corporate limits of the City of Morganton; thence with said corporate limits westerly, and then in a northerly direction to the intersection of said corporate limits with the center line of North Green Street; thence with the center line of North Green Street southeasterly to the point where the center line of said street intersects with the center line of Sterling Street; thence with the center line of Sterling Street southeasterly to the point and place of BEGINNING.

The following are excepted from the foregoing wards:

(1) All the State-owned lands on which Broughton Hospital and North Carolina School for the Deaf are located.

(2) The land of T. H. Sain at intersection of U. S. Highway 70 and Walton Road.

(3) The land of Mrs. Jerry Poovey and Donald C. Buff on Greenbriar Lane.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. Section 2 of this Act shall be effective on and after July 1, 1967, and the remainder of this Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 791

CHAPTER 365

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF PITTSBORO TO DETERMINE WHETHER WINE AND BEER MAY BE LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN THE TOWN OF PITTSBORO.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Pittsboro is hereby authorized, in its discretion, to call a special election to be held on the question of whether wine and beer may be sold in the Town of Pittsboro for off-premise consumption, and whether Alcoholic Beverage Control Stores may be operated in said town. The governing body may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the town.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Pittsboro.

Sec. 3. In the event said special election is called by the governing body of the Town of Pittsboro, a ballot shall be used upon which shall be printed on separate lines for each proposition "For the legal sale of beer", "Against the legal sale of beer"; "For the legal sale of wine", and "Against the legal sale of wine". Those favoring the legal sale of beer shall mark in the voting square to the left of the words "For the legal sale of beer" printed on the ballot and those opposed to the legal sale of beer shall mark in the voting square to the left of the words "Against the legal sale of beer" printed on the ballot; and those favoring the legal sale of wine shall mark in the voting square to the left of the words "For the legal sale of wine" printed on the ballot, and those opposed to the legal sale of wine shall mark in the voting square to the left of the words "Against the legal sale of wine" printed on the ballot.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and/or wine, then the governing body of the Town of Pittsboro shall issue license to sell beer and/or wine as defined in

G. S. 18-64 as provided in Chapter 18 of the General Statutes notwithstanding any public, special, local or private Act to the contrary whether passed before or after the ratification of this Act; provided, however, in no event shall a license be issued to any person, firm or corporation to sell beer and/or wine for "on-premises" consumption anywhere in the Town of Pittsboro. Notwithstanding any other provisions of this Act, it shall be unlawful to sell any beer or wine in the Town of Pittsboro when such beer or wine has been refrigerated to a temperature less than the general temperature of the establishment wherein the sale is made, and any sale of refrigerated beer or wine shall be unlawful. Nothwithstanding any other provisions of this Act, it shall be unlawful to sell beer in individual containers containing less than one gallon, except when six containers are sold at the same time to the same person: Provided, that more than six containers may be sold to the same person at the same time when the number of containers is some multiple of six.

A violation of either of the foregoing shall constitute a general misdemeanor punishable in the discretion of the court and a conviction or plea of nolo contendere to said charge shall subject the violator to such suspension or revocation of license as might be imposed by the State Alcoholic Board of Control.

Sec. 5. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of the Town of Pittsboro at said election the question of whether municipal Alcoholic Beverage Control Stores may be operated in said town, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the Town of Pittsboro, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the Town of Pittsboro under the provisions of this Act. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores." Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Pittsboro shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot and those opposed to Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 6. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall be closed immediately and no beverages shall be sold at retail or otherwise to citizens of Chatham County, and within three months from the canvassing of such votes and the declaration of the results thereof, the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said Board and convert the same into cash and the same be deposited in the general fund of the Town of Pittsboro. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Pittsboro in force and effect prior to the authorization to operate Alcoholic

Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Pittsboro under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Pittsboro to order the Alcoholic Beverage Control election on its own motion or within 60 day after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the number of the registered and qualified voters of the Town of Pittsboro that voted in the election for the governing body of said town in the last election requesting the same.

Sec. 7. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town of Pittsboro shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and two other members who shall be well known for their good character, ability and business acumen. Said Board shall be known and designated as the "Town of Pittsboro Board of Alcoholic Beverage Control". The chairman of said Board shall be designated by the governing body of the Town of Pittsboro and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the Town of Pittsboro, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town of Pittsboro. Any vacancy shall be filled by the governing body of the Town of Pittsboro for the unexpired term.

Sec. 8. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Board of Alcoholic Control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set forth in G. S. 18-39, except the provisions of G. S. 18-39(10). The Town of Pittsboro Board of Alcoholic Beverage Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article it shall apply to and include the Town of Pittsboro Board of Alcoholic Beverage Control. The Town of Pittsboro Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for members of the Town of Pittsboro Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Pittsboro.

Sec. 9. The Town of Pittsboro Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses

and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be distributed quarterly by the Town of Pittsboro Board of Alcoholic Beverage Control as follows:

Five per cent (5%) to the general fund of the Town of Pittsboro to be used for law enforcement purposes.

Sixty per cent (60%) to the general fund of the Town of Pittsboro to be expended as provided herein: (a) Ten per cent (10%) for debt retirement of the town. During any period when the town has no debts, then this ten per cent (10%) may be used for any and all purposes for which tax and nontax revenues may be expended by the town.

(b) Ten per cent (10%) for library, recreational or other similar purposes carried on by the town.

(c) The remaining revenues shall be used for any and all purposes for which tax and nontax revenues may be expended by the town.

Thirty per cent (30%) to the general fund of Chatham County to be used for education or any other public purpose for which tax and nontax revenues may be expended by the county.

Five per cent (5%) to the general fund of Chatham County to be used for law enforcement purposes in the county.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 849

CHAPTER 366

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF SILER CITY TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE OPERATED IN THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Siler City is hereby authorized, in its discretion, to call a special election to be held on the question of whether Alcoholic Beverage Control Stores may be operated in said town. The governing body may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the town.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Siler City.

Sec. 3. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of

the Town of Siler City at said election the question of whether municipal Alcoholic Beverage Control Stores may be operated in said town, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the Town of Siler City, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the Town of Siler City under the provisions of this Act. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores." Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Siler City shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot and those opposed to Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 4. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall be closed immediately and no beverages shall be sold at retail or otherwise to citizens of Chatham County, and within three months from the canvassing of such votes and the declaration of the results thereof, the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and the same be deposited in the general fund of the Town of Siler City. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Siler City in force and effect prior to the authorization to operate Alcholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores". No election shall be called and held in the Town of Siler City under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Siler City to order the Alcoholic Beverage Control election on its own motion or within 60 days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the number of the registered and qualified voters of the Town of Siler City that voted in the election for the governing body of said town in the last election requesting the same.

Sec. 5. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town of Siler City shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and two other members who shall be well known for their good character, ability and business acumen. Said board shall be known and designated as the "Town of Siler City Board of Alcoholic Beverage Control". The chairman of said board shall be designated by the governing body of the Town of Siler City and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated

by the governing body of the Town of Siler City, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town of Siler City. Any vacancy shall be filled by the governing body of the Town of Siler City for the unexpired term.

Sec. 6. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Board of Alcoholic Control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are county boards of Alcoholic Control set forth in G. S. 18-39, except the provisions of G. S. 18-39(10). The Town of Siler City Board of Alcoholic Beverage Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall apply to and include the Town of Siler City Board of Alcoholic Beverage Control. The Town of Siler City Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for members of the Town of Siler City Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Siler City.

Sec. 7. The Town of Siler City Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be distributed quarterly by the Town of Siler City Board of Alcoholic Beverage Control as follows:

Five per cent (5%) to the general fund of the Town of Siler City to be used for law enforcement purposes.

Sixty per cent (60%) to the general fund of the Town of Siler City to be expended as provided herein: (a) Ten per cent (10%) for debt retirement of the town. During any period when the town has no debts, then this ten per cent (10%) may be used for any and all purposes for which tax and nontax revenues may be expended by the town.

(b) Ten per cent (10%) for library, recreational or other similar purposes carried on by the town.

(c) The remaining revenues shall be used for any and all purposes for which tax and nontax revenues may be expended by the town.

Thirty per cent (30%) to the general fund of Chatham County to be used for education or any other public purpose for which tax and nontax revenues may be expended by the county.

Five per cent (5%) to the general fund of Chatham County to be used for law enforcement purposes in the county.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 104 CHAPTER 367

AN ACT TO AMEND ARTICLE II, CHAPTER 14 OF THE GENERAL STATUTES RELATING TO ABORTION AND KINDRED OFFENSES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 14-44 be amended by striking out the words "unless the same be performed to preserve the life of the mother" appearing in lines 5 and 6.

Sec. 2. That a new section be added designated as G. S. 14-46 reading as follows: Notwithstanding any of the provisions of G. S. 14-44 and 14-45, it shall not be unlawful to advise, procure, or cause the miscarriage of a pregnant woman or an abortion when the same is performed by a doctor of medicine licensed to practice medicine in North Carolina, if he can reasonably establish that:

there is substantial risk that continuance of the pregnancy would threaten the life or gravely impair the health of the said woman, or

there is substantial risk that the child would be born with grave physical or mental defect, or

the pregnancy resulted from rape or incest and the said alleged rape was reported to a law enforcement agency or court official within seven days after the alleged rape, and

only after the said woman has given her written consent for said abortion to be performed, and if the said woman shall be a minor or incompetent as adjudicated by any court of competent jurisdiction then only after permission is given in writing by the parents, or if married, her husband, guardian or person or persons standing in loco parentis to said minor or incompetent, and

only when the said woman shall have resided in the State of North Carolina for a period of at least four months immediately preceding the operation being performed except in the case of emergency where the life of the said woman is in danger, and

only if the abortion is performed in a hospital licensed by the North Carolina Medical Care Commission, and

only after three doctors of medicine not engaged jointly in private practice, one of whom shall be the person performing the abortion, shall have examined said woman and certified in writing the circumstances which they believe to justify the abortion, and

only when such certificate shall have been submitted before the abortion to the hospital where it is to be performed; provided, however, that where an emergency exists, and the certificate so states, such certificate may be submitted within twenty-four hours after the abortion.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 220 CHAPTER 368

AN ACT TO AMEND CHAPTER 684 OF THE SESSION LAWS OF 1947 RELATING TO COMPENSATION OF THE MAYOR AND COMMISSIONERS OF THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 684 of the Session Laws of 1947, as rewritten by Chapter 72 of the Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 3. The salary of the Mayor shall be eight thousand five hundred dollars ($8,500.00) per annum, payable in monthly installments. The salary of each member of the Board of Commissioners shall be seventy-five dollars ($75.00) per month. G. S. 160-28 shall not apply to the City of Kings Mountain."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 262 CHAPTER 369

AN ACT TO AUTHORIZE CITY AND COUNTY BOARDS OF EDUCATION TO OFFER AND PAY REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF ANY PERSON OR PERSONS INJURING OR DAMAGING REAL OR PERSONAL PROPERTY OF THE PUBLIC SCHOOL SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. County and city boards of education are authorized and empowered to offer and pay rewards in an amount not exceeding fifty dollars ($50.00) for information leading to the arrest and conviction of any person or persons who willfully deface, damage or destroy property, commit acts of vandalism or commit larceny of the property belonging to the public school system under the jurisdiction of and administered by any county or city board of education. The sums and amounts necessary to pay said rewards shall be an item in the current expense budget of said county or city board of education, and said reward shall be paid out of the current expense fund.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 274 **CHAPTER 370**

AN ACT TO AUTHORIZE THE CITY OF MONROE TO FURNISH AMBULANCE SERVICES.

The General Assembly of North Carolina do enact:

Section 1. The City of Monroe is hereby authorized to engage in furnishing ambulance services in the City of Monroe and in the County of Union, and may jointly operate such services with the County of Union.

Sec. 2. For the purpose of this Act the word "ambulance" shall mean any vehicle specially designed for transporting the sick and incapacitated.

Sec. 3. Such ambulance services may be conducted in conjunction with and as a part of the rescue service being operated by the Fire Department of the City of Monroe.

Sec. 4. The City of Monroe is hereby authorized to establish and charge rates for ambulance services furnished by it.

Sec. 5. Any contract which the City of Monroe has entered into with the County of Union relative to the furnishing of rescue-ambulance services in the City of Monroe and the County of Union is hereby in all respects validated, ratified and confirmed.

Sec. 6. The authority granted by this Act shall be in addition to and supplementary to any similar authority granted by general law, and not in substitution therefor, and the City Council may in its discretion elect to proceed under authority of this Act, or under authority of any similar general law powers, or under authority of both.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 283 **CHAPTER 371**

AN ACT TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF McDOWELL COUNTY AND TO REPEAL CHAPTER 893, SESSION LAWS OF 1959, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. Chapter 893 of the Session Laws of 1959, as amended, is hereby repealed.

Sec. 2. The Clerk of Superior Court of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board of County Commissioners of said county in an amount of not less than four thousand six hundred dollars ($4,600.00) nor more than six thousand five hundred dollars ($6,500.00), payable monthly out of the general fund of said county. The salary fixed by the Board of County Commissioners shall be in full compensation for all services rendered by him as Juvenile Judge, Clerk of the County Criminal Court, and all other duties which are now or may hereafter be imposed on him by virtue of his office as Clerk of the Superior Court.

Sec. 3. The Register of Deeds of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board

of County Commissioners of said county in an amount of not less than four thousand six hundred dollars ($4,600.00) nor more than six thousand one hundred dollars ($6,100.00), payable monthly out of the general fund of said county. The salary fixed for the Register of Deeds shall be in full compensation for all services rendered by him and all other duties which are now or may hereafter be imposed on him by virtue of his office as Register of Deeds.

Sec. 4. The Board of County Commissioners of McDowell County is authorized to fix and determine the number of assistant clerks, deputies, clerks, and other assistants which may be employed or appointed by the officeholder in the offices of the Clerk of Superior Court and Register of Deeds and to fix the compensation to be paid to each of said deputies, clerks and assistants. All salaries fixed by the board for such positions shall be paid out of the general fund of said county.

Sec. 5. The Sheriff of McDowell County shall receive as compensation for his services an annual salary to be fixed by the Board of County Commissioners of said county in an amount of not less than five thousand dollars ($5,000.00), nor more than eight thousand two hundred dollars ($8,200.00), payable monthly out of the general fund of said county. The sheriff shall also be paid an expense allowance of one hundred dollars ($100.00) per month.

Sec. 6. The sheriff of said county is authorized to select and appoint a chief deputy and an assistant chief deputy, and two other deputy sheriffs and, with the approval of the Board of County Commissioners, is authorized to appoint a number not to exceed four additional deputy sheriffs.

The sheriff is also authorized to appoint an office deputy or jailer whose salary shall be fixed by the Board of County Commissioners of McDowell County at not less than two thousand four hundred dollars ($2,400.00), nor more than three thousand six hundred dollars ($3,600.00) per year. The sheriff is also authorized to appoint a jail matron or clerical assistant who shall receive an annual salary of one thousand two hundred dollars ($1,200.00) payable monthly.

The sheriff is authorized to appoint as many part time special deputy sheriffs as he may deem necessary, whose compensation shall be fixed by the sheriff, and who shall be paid out of the general fund of the county upon payrolls made out and presented to the Board of County Commissioners. The total amount to be expended for the payment of salaries of part time special deputies appointed under authority of this paragraph shall in no event exceed the total amount of three thousand dollars ($3,000.00) in any one year.

The chief deputy shall receive an annual salary of not less than four thousand two hundred dollars ($4,200.00) nor more than five thousand five hundred dollars ($5,500.00). The assistant chief deputy shall receive an annual salary of not less than three thousand nine hundred dollars ($3,900.00) nor more than five thousand two hundred dollars ($5,200.00), and the regular deputies shall receive an annual salary of not less than three thousand six hundred dollars ($3,600.00) nor more than four thousand nine hundred dollars ($4,900.00), all of which salaries are to be

fixed by the Board of County Commissioners of McDowell County, and are to be payable monthly.

The Board of County Commissioners of McDowell County shall provide and maintain in good repair not less than two nor more than four automobiles for the exclusive use of the sheriff and his deputies in the performance of their official duties, and the costs thereof, together with the salaries of the deputy sheriffs herein provided for, shall be paid monthly from the general fund of said county.

All fees for services rendered by the sheriff or any of his deputies for the serving of summons or other process shall be faithfully accounted for to the Clerk of Superior Court of said county and paid monthly by him to the Board of County Commissioners for said county and shall be credited to the general fund of the county.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 284 CHAPTER 372

AN ACT TO FIX THE COMPENSATION OF THE COUNTY COMMISSIONERS OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 630, Session Laws of 1953, is hereby amended by striking out the words and figures "ten dollars ($10.00)", appearing in line 5, and inserting in lieu thereof the words and figures "twenty-five dollars ($25.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 300 CHAPTER 373

AN ACT RELATING TO COLLECTION OF WINE AND BEER LICENSE TAXES IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-76 is amended by adding at the end thereof the following:

"In Onslow County the county tax collector shall be charged with the duty of collecting the beer and wine license taxes prescribed by this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 301 CHAPTER 374

AN ACT TO ENABLE THE GOVERNING BODY OF THE CITY OF HICKORY TO GIVE QUITCLAIM DEEDS TO THE HICKORY CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Hickory shall have and is hereby granted the power to transfer and convey to the Hickory City Board of Education, by quitclaim deed, any and all interests that the City of Hickory may have in any real property conveyed to the City of Hickory for school purposes prior to February 26, 1925.

Sec. 2. That the provisions of Section 160-59 of the General Statutes of North Carolina, Volume 3 (D), 1964 Replacement, shall not apply to the City of Hickory in the transfer of any real property conveyed to the City of Hickory for school purposes prior to February 26, 1925.

Sec. 3. That all conveyances, or preparations made in contemplation of sale, by the Hickory City Board of Education of any real property originally deeded to the City of Hickory for school purposes prior to February 26, 1925, are hereby validated and ratified in every respect.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 315 CHAPTER 375

AN ACT RELATING TO AMBULANCE SERVICE IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized to expend such money as it may deem wise or necessary to insure adequate ambulance service for Polk County, through contracts, grants or otherwise, and may make provision therefor by agreements either with governmental or private agencies either within or without the State.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 316 **CHAPTER 376**

AN ACT TO AUTHORIZE THE TOWN OF COLUMBUS IN POLK COUNTY TO SELL CERTAIN LAND AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Columbus in Polk County is hereby authorized, in its discretion, to sell at private sale that tract of land, no longer needed for municipal purposes, containing 19.13 acres, more or less, which was acquired by said town from E. H. and Jeanette F. Gibbs, and which is recorded in the office of the Polk County Register of Deeds in Book 120, Page 78.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 317 **CHAPTER 377**

AN ACT RELATING TO THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized, in its discretion, to fix the salary of the Chairman of said Board at not more than two hundred dollars ($200.00) per month and the salary of each of the other members of the Board at not more than one hundred and fifty dollars ($150.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 318 **CHAPTER 378**

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY TO IMPOSE CERTAIN TAX COLLECTING DUTIES ON A DEPUTY REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Polk County is hereby authorized, in its discretion, upon the appointment of a deputy register of deeds, to impose upon such deputy such duties as it may deem wise and expedient in assisting the tax collector by performing duties of an assistant tax collector, which duties shall be performed ex officio.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 137 **CHAPTER 379**

AN ACT TO MAKE CHAPTER 152A OF THE GENERAL STATUTES, PROVIDING FOR COUNTY MEDICAL EXAMINERS, APPLICABLE TO CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152A-12 is hereby amended by inserting therein the word "Cabarrus" immediately after the word "Alamance" and immediately before the word "Catawba".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after the first day of January, 1970.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 602 **CHAPTER 380**

AN ACT AUTHORIZING THE CLERK OF SUPERIOR COURT OF JOHNSTON COUNTY TO TRANSFER CERTAIN FUNDS TO THE GENERAL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of Superior Court of Johnston County is hereby authorized and directed to pay into the General Fund of Johnston County the sum of one thousand thirty-three dollars and twenty-eight cents ($1,033.28) now held by said Clerk in an "Adjustment Account".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 603 **CHAPTER 381**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF JOHNSTON COUNTY TO SET JAIL FEES.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provision of law, the Board of Commissioners of Johnston County are hereby authorized, in their discretion, to fix and determine the fees that may be charged or collected by the county jailer.

Sec. 2. Except to the extent provided in Section 1 hereof, this Act shall not be construed as repealing the provisions of G. S. 153-9(12a).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 627

CHAPTER 382

AN ACT TO AMEND G. S. 153-246 SO AS TO MAKE IT CLEAR THAT FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM MAY ENTER INTO JOINT PURCHASING AGREEMENTS WITHOUT CONSOLIDATING THEIR PURCHASING DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-246 be amended by adding a paragraph at the end thereof to read as follows:

"In addition to the authority granted herein for counties, and for cities and counties, to enter into joint administrative functions and activities through consolidated agencies, Forsyth County and the City of Winston-Salem are hereby expressly authorized to enter into agreements for the joint purchasing of goods, supplies, materials, and services, with or without consolidating their purchasing departments. The Board of Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem are authorized to adopt a resolution setting out the manner in which this authority is to be exercised, and the procedures to be followed in carrying out such joint purchasing arrangements. Said resolution may provide that the joint purchasing arrangements and practice will continue until revoked by either board."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 628

CHAPTER 383

AN ACT RELATING TO THE AIRPORT COMMISSION OF FORSYTH COUNTY AS CREATED BY CHAPTER 610 OF THE 1949 SESSION LAWS.

The General Assembly of North Carolina do enact:

Section 1. That all properties and assets belonging to the Forsyth County Airport Commission, Inc., at the time of the creation of the Airport Commission of Forsyth County pursuant to the provisions of Chapter 610 of the 1949 Session Laws, belong to and are the property of the Airport Commission of Forsyth County, and all actions heretofore taken by the Airport Commission of Forsyth County with respect to any properties and assets which belonged to the Forsyth County Airport Commission, Inc., at the time of the creation of the Airport Commission of Forsyth County are hereby validated and ratified. It is the purpose and intent of this Act to make it clear that all properties that belonged to the Forsyth County Airport Commission, Inc., at the time of the creation of the Airport Commission of Forsyth County became the property of the said Airport Commission of Forsyth County whether formal documents bringing about such transfers were ever prepared and executed or not, and to make it clear that all property now in the name of the Forsyth County

Airport Commission, Inc., actually belongs to and is by law vested in the Airport Commission of Forsyth County.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 669 CHAPTER 384

AN ACT TO EXEMPT GUILFORD COUNTY FROM CHAPTER 85A OF THE GENERAL STATUTES RELATING TO BAIL BONDSMEN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 85A-34, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the word "Guilford," at the end of the second line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 679 CHAPTER 385

AN ACT TO MAKE CHAPTER 504 OF THE SESSION LAWS OF 1965, RELATING TO HISTORIC BUILDINGS AND SITES, APPLICABLE TO THE TOWN OF BEAUFORT.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 504 of the Session Laws of 1965, as amended, is hereby further amended by adding at the end thereof a new sentence to read as follows:

"This Act shall apply to the Town of Beaufort and the area within its zoning jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 680 CHAPTER 386

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BEAUFORT, CHAPTER 435 OF THE PRIVATE LAWS OF 1913, TO AUTHORIZE THE ADOPTION OF A TOWN SEAL.

The General Assembly of North Carolina do enact:

Section 1. Section 27 of Chapter 435 of the Private Laws of 1913 is hereby amended by adding at the end thereof the following sentence: "The Board of Commissioners is hereby authorized to adopt an official seal for the town, and to alter the same at pleasure."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 853 CHAPTER 387

AN ACT RELATING TO TEMPORARY QUARTERS FOR GOVERNMENTAL AGENCIES OF LEE COUNTY, PENDING THE CONSTRUCTION OF A NEW, OR REPAIRS TO THE EXISTING, COURTHOUSE.

WHEREAS, the Board of County Commissioners of Lee County is contemplating substantial repairs to the existing courthouse or construction of a new courthouse; and

WHEREAS, it will be necessary to establish temporary quarters and acquire additional space for governmental functions of Lee County during the period of construction or repairs; and

WHEREAS, this will necessitate securing temporary quarters for Lee County governmental purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Lee County is hereby authorized to secure by lease or otherwise and provide necessary temporary space for any governmental purpose of Lee County, within said County, pending the construction of a new courthouse or repairs to the existing courthouse. Such quarters so provided may be designated by the Board of Commissioners as the Lee County Courthouse. It shall be lawful for the Board of County Commissioners to designate temporary quarters without designating such quarters as the Lee County Courthouse. It shall be lawful in the quarters so provided to hold sessions of court and any and all other hearings which are required to be heard at the County Courthouse. It shall be lawful to perform any of the governmental functions of Lee County in such temporary quarters, and the quarters so designated are not required to be located in a single building, but may be located in one or more buildings.

Sec. 2. The powers herein granted shall continue in full force until the new courthouse is constructed, or repairs to the existing courthouse are completed and accepted by the County and occupied by the various County officials, offices and agencies.

Sec. 3. This Act shall apply only to Lee County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 892 **CHAPTER 388**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY AND THE CITY COUNCIL OF FAYETTEVILLE TO RELEASE CERTAIN TAXES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Cumberland County and the City Council of the City of Fayetteville are hereby authorized to release and discharge all taxes assessed and levied or which might be assessed and levied for the fiscal year 1967-1968 and ensuing fiscal years upon property situated in the City of Fayetteville or Cumberland County which is acquired by the United States or any agency thereof to be used as a site for a federal building, a post office, or any other purpose or function of the United States or agency thereof.

Sec. 2. This Act shall apply only to Cumberland County and the City of Fayetteville.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

H. B. 895 **CHAPTER 389**

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1967.

S. B. 319 **CHAPTER 390**

AN ACT TO AMEND CHAPTER 19 OF THE 1965 SESSION LAWS RELATING TO THE WATERSHED IMPROVEMENT PROGRAM IN UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 19 of the 1965 Session Laws is amended by deleting in line five the words and figures "one-half of one cent (½¢) and inserting in lieu thereof the words and figure "two cents (2¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1967.

H. B. 446 CHAPTER 391

AN ACT TO REWRITE ARTICLE II, SECTION 28, OF THE CONSTITUTION OF NORTH CAROLINA WITH RESPECT TO THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. Article II of the Constitution of North Carolina is amended by rewriting Section 28 thereof to read as follows:

"Sec. 28. Compensation of Members and Officers of the General Assembly. The members and officers of the General Assembly shall receive for their services a compensation to be established by the General Assembly. An increase in the compensation of members shall become effective at the beginning of the next regular Session of the General Assembly."

Sec. 2. The amendment set out in Section 1 of this Act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing general elections in this State.

Sec. 3. At that election, the qualified voters favoring the amendment set out in Section 1 of this Act shall vote ballots on which shall be printed or written the words "FOR constitutional amendment establishing procedure for fixing compensation of members and officers of the General Assembly, and denying benefit of any increase in compensation to members of Session which enacts it," and those voters opposed shall vote ballots on which shall be printed or written the words: "AGAINST constitutional amendment establishing procedure for fixing compensation of members and officers of the General Assembly, and denying benefit of any increase in compensation to members of Session which enacts it."

Sec. 4. If a majority of the votes cast thereon be in favor of the amendment set out in Section 1 of this Act, the Governor shall certify that amendment under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and the amendment shall become effective upon that certification.

Sec. 5. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of May, 1967.

S. B. 250 **CHAPTER 392**

AN ACT AMENDING G. S. 143-135 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. That Section 143-135 of the General Statutes of North Carolina, be and the same is hereby amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to the City of Gastonia, in the discretion of the City Council of said City, in the expenditure of public funds when the total costs of any repairs, completed project, building or structure shall not exceed the sum of twenty-five thousand dollars ($25,000.00), if the repairs, completed project, building or structure are performed or accomplished by or through duly elected officers or agents of the City of Gastonia involved."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 278 **CHAPTER 393**

AN ACT TO AMEND CHAPTER 400 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1913, AND CHAPTER 234 OF THE 1961 SESSION LAWS OF NORTH CAROLINA, WHICH TOGETHER CONTAIN THE LEGISLATIVE CHARTER OF THE MOSES H. CONE MEMORIAL HOSPITAL.

WHEREAS, a legislative Charter was granted to The Moses H. Cone Memorial Hospital under Chapter 400 of the Private Laws of North Carolina, Session of 1913, and was amended by Chapter 234 of the 1961 Session Laws of North Carolina, and this legislative Charter, as so amended, now provides for the governance of the said corporation by a board of trustees consisting of 15 members who are appointed and elected for four-year terms; and

WHEREAS, 11 of these 15 trustees, or more than two thirds of the entire board of trustees, are now appointed and elected at one time every four years, so that the present arrangement permits the possibility of an almost complete turnover in the membership of the board of trustees at each such four-year interval which would destroy continuity of service on the said board of trustees; and

WHEREAS, the Governor of North Carolina is now required to appoint three members of the said board of trustees every four years, and the obligation of the Governor of North Carolina to make these appointments for this corporation simply adds one more burden to the already heavy burdens of his office; and

WHEREAS, the Board of Trustees of The Moses H. Cone Memorial Hospital now deems it advisable to relieve the Governor of North Carolina

from any obligation to appoint trustees for the said corporation, and to arrange that the three trustees formerly appointed by the Governor of North Carolina shall henceforth be elected by the members of the board of trustees in office from time to time; and also deems it advisable to assure continuity of service on the said board of trustees by arranging for the trustees to serve staggered terms of three years with five of the 15 trustees to be appointed and elected each year: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Section 10 of Chapter 400 of the Private Laws of North Carolina, Session of 1913, as previously amended by Chapter 234 of the 1961 Session Laws of North Carolina, now be, and it hereby is, amended to read as follows:

"Sec. 10. That the said corporation shall be governed by a board of trustees which shall consist of 15 members and which shall be known and designated as "The Board of Trustees of The Moses H. Cone Memorial Hospital"; that the said board of trustees shall have and exercise all the powers hereinbefore and hereinafter conferred upon the board of trustees; shall have perpetual succession; shall hold and administer the property, franchises, and effects of the corporation, and shall receive, in the name and on behalf of the corporation, any property and gifts; and shall carry out fully the trusts imposed upon the said board of trustees.

"That the said board of trustees shall be perpetuated as follows: The regular term of office of a trustee shall be three years, and the terms of the trustees shall be staggered with five of the 15 trustees to be appointed and elected each year. One of the 15 trustees, and his successors forever, shall be appointed by the City Council of the City of Greensboro and its successors in office; one of the 15 trustees, and his successors forever, shall be appointed by the Board of Commissioners of the County of Guilford and its successors in office; and one of the 15 trustees, and his successors forever, shall be appointed by the Guilford County Medical Society or such agency as may hereafter succeed to the powers and duties now exercised and performed by the said Guilford County Medical Society; and one of these three trustees shall be appointed each year, in rotation, by one of these three agencies, each of which shall fill its one position on the board of trustees by appointment every three years (in alternate years). The remaining 12 of the 15 trustees, and their successors forever, shall be elected by the members of the board of trustees in office from time to time; and four of these 12 trustees shall be elected by the board of trustees each year.

"That the election of trustees by the board of trustees shall be by a majority vote of the members present at any meeting of the said board of trustees at which there is a quorum, and any member of the board of trustees may vote upon the election of his successor. Each trustee appointed or elected for a regular term shall take office at noon on the second Wednesday in May, and shall serve for the regular term of three years and thereafter until his successor is duly appointed or elected and qualified. A trustee may be appointed or elected for an irregular or interim term at any time, however, by the agency (including the board of trustees) which is authorized to fill the position, in order to establish

or maintain the staggering of terms or to fill an unexpired term; and in such case the trustee so appointed or elected shall serve for the irregular or interim term or for the remainder of the unexpired term and thereafter until his successor is duly appointed or elected and qualified.

"That if the City Council of the City of Greensboro (or its successors), or the Board of Commissioners of the County of Guilford (or its successors), or the Guilford County Medical Society (or its successors) shall fail or refuse at any time to appoint a trustee to fill its position on the board of trustees within 60 days after notification that its position on the board of trustees is or is about to be vacant, then after the expiration of this 60-day period the board of trustees itself may elect a trustee to such position to serve until the time designated herein for the next appointment by such agency. The City Council of the City of Greensboro, the Board of Commissioners of the County of Guilford, and the Guilford County Medical Society, and their respective successors, are also authorized and empowered to issue to their appointees as members of the Board of Trustees of The Moses H. Cone Memorial Hospital such certificates of appointment as each such agency may deem proper."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 331 CHAPTER 394

AN ACT TO AMEND GS 43-30, RELATING TO REQUIREMENTS FOR RECORDATION OF LAND MAPS IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-30 is hereby amended by inserting in line 4 of subdivision (k) thereof, immediately after the word "Martin", the word "McDowell".

Sec. 2. The uniform system for recording maps and plats in McDowell County shall be as provided in Chapter 424, Public-Local Laws of 1925.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 372 CHAPTER 395

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF UNION COUNTY TO FIX, AT ITS DISCRETION, THE SALARY AND TRAVEL ALLOWANCE TO BE PAID THE CORONER OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County is authorized and empowered to fix, at its discretion, the salary, travel al-

lowance and other compensations to be paid the Coroner of Union County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 373 CHAPTER 396

AN ACT RELATING TO THE SALARY OF THE CHAIRMAN AND MEMBERS OF THE UNION COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Union County Board of Commissioners is hereby authorized and empowered to fix the salary of its own members; provided, however, that the Chairman of the Union County Board of Commissioners shall not receive a salary in excess of one hundred and fifty dollars ($150.00) a month, and the members of the Union County Board of Commissioners shall not receive a salary in excess of one hundred and twenty-five dollars ($125.00) a month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 378 CHAPTER 397

AN ACT TO AMEND CHAPTER 279 OF THE SESSION LAWS OF 1947 TO AUTHORIZE THE BOARD OF ELECTIONS OF ORANGE COUNTY TO CONDUCT ELECTIONS OF THE TOWN OF HILLSBOROUGH.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 279 of the Session Laws of 1947 is hereby amended by adding at the end thereof a new sentence to read as follows: "For the purposes of this Act, the term 'general election' shall be deemed to mean elections for State and county officers."

Sec. 2. Sections 5, 6, 7, and 8 of Chapter 279 of the Session Laws of 1947 are hereby rewritten to read as follows:

"Sec. 5. The Board of Elections of Orange County shall conduct all elections of the Town of Hillsborough, including regular elections for the election of town officers, bond elections, and any other authorized special elections, called or requested by the Board of Commissioners of the Town. Except as otherwise provided in this Act or as otherwise provided in general or local laws relating to bond elections or other special elections in the town, all town elections shall be conducted in accordance with the laws, rules, and regulations governing the conduct of general elections in Orange County. The Board of Commissioners of the Town of Hillsborough is hereby authorized to reimburse Orange County for the actual costs of conducting each election for the town.

"Sec. 6. The Board of Elections of Orange County shall establish and maintain, and from time to time alter as necessary, a county election precinct the boundaries of which are coterminous with the corporate limits of the Town of Hillsborough. The election precinct so established shall be the town precinct for the purposes of conducting town elections, and the registrar and judges of election appointed by the Board of Elections of Orange County for such precinct shall be the registrar and judges of election for the purposes of registering voters for, and conducting, all town elections.

"Sec. 7. The Board of Elections of Orange County shall conduct and perform the registration of voters for all elections of the town, and shall use the registration books of Orange County. All persons now or hereafter duly registered in the registration books of Orange County who live within the corporate limits of the town shall be entitled to vote in all town elections. The registrar appointed by the Board of Elections of Orange County for the election precinct lying within the corporate limits of the town shall, in the manner provided by law for general elections in the county, register in the county registration books all qualified electors of the town whose names are not registered in such registration books and who present themselves to such registrar during regular registration periods. All electors of the town who are now or hereafter registered to vote in general elections in Orange County shall be deemed duly registered to vote in all town elections.

"Sec. 8. The time or times of registration applicable to general elections in the county shall also be applicable to registration for elections of the town, and the registration books in the county election precinct lying within the corporate limits of the town shall be opened for the same period or periods of time, and closed at the same time, preceding town elections, as they are opened and closed for general elections in the county, and the same rules as to challenges shall apply to town elections as apply to general elections in the county. The notices, and the time or times thereof, applicable to general elections in the county and to registration therefor, shall also be applicable to town elections, and the Board of Elections of Orange County shall cause such notices to be given as required by law."

Sec. 3. Chapter 279 of the Session Laws of 1947 is hereby amended by inserting therein, between Sections 11 and 12, two new Sections to be designated as Sections 11A and 11B, respectively, and to read as follows:

"Sec. 11A. In the event a second election is required pursuant either to Section 10 or to Section 11 or to both, then there shall be no registration of voters between the dates of the first and second elections. Persons whose qualifications to register and vote mature after the day of the first election and by the day of the second election may register on the day of the second election and when thus registered shall be entitled to vote in the second election."

"Sec. 11B. None of the provisions of Article 3 of Chapter 160 of the General Statutes shall be applicable to the Town of Hillsborough."

Sec. 4. The existing registration and poll books of the Town of Hillsborough shall no longer be used in town elections, and shall be impounded by the town clerk.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

H. B. 191 CHAPTER 398

AN ACT TO AMEND CHAPTER 147 OF THE GENERAL STATUTES WITH RESPECT TO THE INVESTMENT OF SURPLUS STATE FUNDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-69.1 is hereby amended by rewriting the second sentence thereof to read as follows:

"The Governor and the State Treasurer, acting jointly, with the approval of the Council of State, are hereby authorized to invest such excess funds (1) in bonds, notes, certificates of indebtedness and bills of the United States of America or in obligations which are fully guaranteed by the United States of America; or (2) in bonds, notes and other obligations of the Federal Intermediate Credit Banks, the Federal Home Loan Banks, the Federal National Mortgage Association, Banks for Cooperatives, and the Federal Land Banks; or (3) in bonds and notes of the State of North Carolina; or (4) in certificates of deposit issued by banks or official depositories within the State of North Carolina, yielding a return at rates not less than those available on United States Treasury bonds, notes, certificates of indebtedness or bills of comparable maturities."

Sec. 2. G. S. 147-69 is hereby amended by striking out the last paragraph thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

H. B. 654 CHAPTER 399

AN ACT TO AMEND G. S. 20-38 EXCLUDING AMBULANCES AS FOR HIRE PASSENGER VEHICLES AND DEFINING AN AMBULANCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-38(20)(b), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting the words "operated as ambulances or" immediately before the word "operated" and immediately after the word "less" appearing in line 4 thereof.

Sec. 2. G. S. 20-38(20), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by designating subsection "(f)" as subsection "(g)" and inserting a new subsection to be designated as subsection "(f)" to read as follows:

"(f) Ambulance—a motor vehicle equipped for transporting wounded, injured or sick persons."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

H. B. 807 CHAPTER 400

AN ACT TO AMEND CHAPTER 119, SESSION LAWS OF 1961, RELATING TO THE TIME TO HOLD THE POLLS OPEN ON ELECTION DAY IN CITY OF BURLINGTON IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 119, Session Laws of 1961, Chapter II, Subchapter D, Section 2.63(a), be and the same is hereby amended by striking therefrom the words "Eastern Standard Time".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

S. B. 172 CHAPTER 401

AN ACT AMENDING CHAPTER 208 OF THE SESSION LAWS OF 1957 RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 208 of the Session Laws of 1957 is rewritten to read as follows:

"Section 1. For attendance at the regular monthly meetings of the Board of County Commissioners of Rockingham County, the members of the Board shall receive an annual salary of twelve hundred dollars ($1200.00), payable in equal monthly installments. The Chairman of the Board of County Commissioners shall receive an annual salary of fifteen hundred dollars ($1500.00), payable in equal monthly installments, for attending such regular meetings.

"In addition to the compensation for the Chairman and members of the Board prescribed in the first paragraph of this Act, the members of the Board shall receive the sum of fifteen dollars ($15.00) and the Chairman of the Board shall receive the sum of twenty dollars ($20.00) for each special meeting of the Board held in excess of regular monthly meetings.

"In addition to the compensation hereinabove prescribed, the Chairman of the Board of County Commissioners shall receive the sum of four hundred dollars ($400.00) annually for necessary travel expenses while engaged in official business of the county.

"In addition to the compensation hereinabove described, the members of the Board of County Commissioners shall receive the sum of seven cents (7¢) per mile for necessary travel while engaged in official business of the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective July 1, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 234 **CHAPTER 402**

AN ACT RELATING TO COMPENSATION OF THE BOARD OF ALDERMEN OF THE CITY OF RANDLEMAN.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the City of Randleman may establish a salary for its members not to exceed two hundred and fifty dollars ($250.00) per annum.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th of May, 1967.

S. B. 326 **CHAPTER 403**

AN ACT TO AMEND CHAPTER 210 OF THE SESSION LAWS OF 1957 RELATING TO THE COMPENSATION OF THE MEMBERS OF THE POLK COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of Chapter 210 of the Session Laws of 1957 is hereby amended by rewriting said paragraph to read as follows:

"G. S. 115-129 is hereby amended by adding at the end thereof the following: 'provided that in Polk County the Chairman of the County Board of Education shall be paid no salary but shall be paid travel expenses of forty-five dollars ($45.00) per month and the other members of said Board shall be paid a similar travel expense of forty dollars ($40.00) per month in lieu of any salary.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification and shall also apply retroactively to April 1, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 338 **CHAPTER 404**

AN ACT TO AMEND CERTAIN SECTIONS OF THE CHARTER OF THE CITY OF HICKORY AS CONTAINED IN CHAPTER 323, SESSION LAWS OF 1961.

The General Assembly of North Carolina do enact:

Section 1. Chapter 323, Session Laws of 1961, is hereby amended as follows: Section 2.01 is hereby amended by striking in line four thereof the words "by wards, and, except" and inserting in lieu thereof the words "at large. The candidate from each ward receiving the highest number of votes shall be declared elected. Except".

Sec. 2. Chapter 323, Session Laws of 1961, is hereby amended as follows:

(a) Section 2.01(b) is hereby rewritten to read as follows: "A general municipal election shall be held on the first Monday in June of 1967, and on the first Monday in June of 1968. In 1970, and biennially thereafter, the general municipal election shall be held on the first Monday in June."

(b) Section 2.01(c) is hereby amended by striking in the third line thereof the words "two years, but" and inserting "four years, except for member's interim terms of three years for the next election of aldermen of the fourth, fifth, and sixth wards. This Section shall apply to elections coming in 1967. Members".

(c) Section 2.31(c) is hereby amended by striking therefrom the last sentence which provides "Their compensation in no event shall exceed that allowed by law for registrars and judges holding elections for the members of the General Assembly."

(d) Section 2.32(c) is hereby striken and the following language is inserted in lieu thereof: "The registration books shall be opened for the registration of voters at 9:00 o'clock A. M. on the fourth Saturday before the general municipal election."

(e) Strike subsection (b) of Section 2.51 and insert the following: "The aldermen to be elected in the year 1967 shall be nominated from Wards 4, 5, and 6 and initially shall hold office for a period of three years; thereafter they shall be nominated and elected to hold office for a period of four years. The aldermen to be elected in the year 1968, and every four years thereafter, shall be nominated from Wards 1, 2, and 3. The Mayor shall be elected for a term of three years at the election to be held in 1967, and thereafter shall be elected for a term of four years."

(f) Section 2.53 is amended by adding at the end thereof the following: "(k) Same—Filing Fee. Each candidate for City office at the time of presenting his petition for nomination shall pay to the City Clerk a filing fee of the sum of twenty-five dollars ($25.00), which fee shall be repaid to the candidate upon his withdrawal of candidacy as provided in subsection (h)."

(g) Section 3.02 is amended by striking the same and inserting in lieu thereof "Compensation of Council Members. The Mayor and each member of the Council shall receive an annual salary of twelve hundred dollars ($1200.00) payable monthly."

(h) Section 5.21(a) is amended by adding prior to the colon in line 3, the words "and upon presentation to the City Council of his intention at least two days prior to a regularly scheduled meeting".

(i) Amend Chapter VII, relating to "Municipal Court", by deleting the entire Chapter.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. Section 1 of this Act shall be effective January 1, 1970, and all other Sections of this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 343 CHAPTER 405

AN ACT AUTHORIZING THE RIGHT TO PETITION FOR MUNICIPAL LIQUOR CONTROL STORES IN INCORPORATED MUNICIPALITIES IN ROBESON COUNTY, ESTABLISHMENT OF SAME UPON AN AFFIRMATIVE VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The governing body of each incorporated municipality in Robeson County which has a population in excess of 1,000 people upon a written petition to said governing body signed by at least twenty-five per cent (25%) of the registered and qualified voters of the municipality, who voted in the last municipal election, may order an election to be held on the question of whether or not a municipal liquor control store may be operated in the municipality. If a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said municipality; but if a majority of the votes cast in said election shall be against the operation of a liquor control store, no such store shall be set up or operated in said municipality under provisions of this Act.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least thirty days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For City Liquor Control Store," "Against City Liquor Control Store." Those favoring setting up and operating a liquor store in the municipality shall mark on the voting square to the left of the words "For City Liquor Control Store," printed on the ballot; and those opposed to a liquor control store shall mark in the voting square to the left of the words "Against City Liquor Control Store." Except as otherwise herein

provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the municipality; in the event that any municipality has entered into an agreement with the Robeson County Board of Elections for the conduct of its elections then the ordinances applicable to the conduct of an election by the Robeson County Board of Elections shall be followed.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Store," the municipal board of alcoholic control shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the board of alcoholic control shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within the said municipality in force and effect prior to the authorization to operate a liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Store." No election shall be called and held in the municipality under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the governing body of the municipality to order the special liquor election herein authorized within 60 days after sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or municipal general or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a liquor control store is authorized under the provisions of this Act, the governing body of the municipality shall immediately create a board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as the "Board of Alcoholic Control (Insert Name of City)." The chairman of said board shall be designated by the governing body of the municipality and shall serve for his first term a period of three years, one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year. The terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing body of the municipality.

Sec. 5. The municipal board of alcoholic control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39, or any subsequent amendment pertaining to the same, of the General Statutes. Provided, G. S. 18-45(15) shall not apply to the municipal board of alcoholic control. The municipal board of alcoholic control and the operation of any liquor

store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except as to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "county" board of alcoholic control appears in said Article, it shall include the municipal board of alcoholic control.

Sec. 6. After deducting the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount thereof to be determined by the board, the municipal board of alcoholic control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

(A) Five per cent (5%) of the net profits to the General Fund of the municipality, to be used for law enforcement purposes;

(B) Forty-five per cent (45%) of the net profits will be paid to the General Fund of the municipality to be used for any governmental purpose, including but not limited to library purposes, recreational purposes, and educational purposes;

(C) Fifty per cent (50%) to the General Fund of Robeson County to be appropriated for any governmental purpose, including but not limited to library purposes, educational purposes, and hospital purposes.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 347 CHAPTER 406

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF SYLVA, JACKSON COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Sylva may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Sylva, and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town; but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provisions of this Act.

Sec. 2. In calling for such special liquor election, the said board shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new

registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Sylva shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Sylva.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said Town of Sylva, in force and effect prior to the authorization to operate a town liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Sylva under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Board of Commissioners of the Town of Sylva to order the special liquor election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or Town of Sylva general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Commissioners of the Town of Sylva shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Sylva Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy oc-

curring in the board, shall be named or filled by the mayor and the governing body of the town.

Sec. 5. The said Town of Sylva Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. Provided, G. S. 18-45(15) shall not apply to the town board of alcoholic control. The said Town of Sylva Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include Town of Sylva Board of Alcoholic Control.

Sec. 6. After deducting the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the board, the Town of Sylva Board of Alcoholic Control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

(a) Five per cent (5%) of the net profits to the General Fund of the Town of Sylva, to be used for law enforcement purposes;

Ten per cent (10%) of the net profits to the Town of Sylva Recreation Commission;

Ten per cent (10%) of the net profits to the Jackson County Recreation Commission.

(b) The remaining net profits shall be allocated as follows:

Fifty per cent (50%) to the General Fund of the Town of Sylva, to be appropriated for any public purpose for which tax and nontax revenues may be expended.

Fifty per cent (50%) to the General Fund of Jackson County, to be appropriated for any public purpose for which tax and nontax revenues may be expended.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 352 CHAPTER 407

AN ACT TO PROVIDE FOR THE SALARIES OF THE MEMBERS OF THE BOARD OF COMMISSIONERS AND OF THE MAYOR OF THE TOWN OF MOUNT GILEAD.

The General Assembly of North Carolina do enact:

Section 1. The Mayor and the Board of Commissioners of the Town of Mount Gilead shall receive for their services the sum of ten dollars ($10.00) for each meeting of the Board of Commissioners which they

attend, but not more than three hundred dollars ($300.00) per year, and shall receive no other compensation from the town.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 365

CHAPTER 408

AN ACT TO RATIFY THE CONVEYANCE OF CERTAIN REALTY BY THE BOARD OF EDUCATION OF ONSLOW COUNTY TO THE COUNTY OF ONSLOW.

The General Assembly of North Carolina do enact:

Section 1. By deed dated December 9, 1966, and recorded December 12, 1966, in Deed Book 357 at page 464 in the office of the Register of Deeds of Onslow County, the Board of Commissioners of Onslow County conveyed certain realty therein more particularly described, lying and being in Jacksonville Township, Onslow County, on the southwest side of State Road No. 1400. The foregoing action of the Board of Education in executing and delivering the deed to the property and conveying the property to Onslow County is hereby in all respects ratified and confirmed and the said transaction, including acceptance of the delivery of the deed and of the conveyance, by the governing board of Onslow County, is hereby fully authorized to all intents and purposes as if made pursuant to and authorized by law at the time of the transaction.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on the date of its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 370

CHAPTER 409

AN ACT TO AUTHORIZE THE CITY BOARD OF EDUCATION OF MONROE TO LEASE THE STADIUM LOCATED ON OR NEAR THE WALTER BICKETT PUBLIC SCHOOL TO THE RECREATION DEPARTMENT OF THE CITY OF MONROE FOR A PERIOD OF TWENTY-FIVE YEARS.

WHEREAS, it is desirable that the Monroe City Board of Education shall be authorized to lease the stadium located on the campus of or near the Walter Bickett Public School in the City of Monroe and that such lease should be executed for a term of 25 years for a nominal consideration and in further consideration of the fact that such lease will be of great benefit to the Monroe City Board of Education and to the Recreation Department of the City of Monroe in obtaining funds granted under the provisions of the Land and Water Use Act or other appropriate agency of the Federal Government; and

WHEREAS, the leasing of said stadium to the Department of Recreation of the City of Monroe will not impair the use of the stadium by the Monroe City Board of Education for public school purposes to any appreciable degree and will result in substantial benefit: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That for a nominal consideration and in further consideration of the benefits that will accrue to the Monroe City Board of Education by reason of the lease of the stadium as hereinafter authorized, the Monroe City Board of Education is hereby authorized and empowered to lease the stadium and grounds connected therewith to the Monroe Department of Recreation, or other appropriate subdivision of government, for a period of 25 years. The said lease shall contain such terms and conditions as shall be formulated and mutually agreed upon between the parties herein mentioned, and the proper officials of the Monroe City Board of Education and of the Department of Recreation of the City of Monroe, or other appropriate subdivision of government, are authorized to mutually agree upon and properly execute and sign such lease relating to the stadium and grounds connected therewith located on or near the campus of the Walter Bickett Public School.

Sec. 2. The Monroe City Board of Education and the Department of Recreation of the City of Monroe, or other appropriate subdivision of government, are hereby authorized and empowered to execute and deliver any and all other documents and amendments that may be necessary to fully carry out the objectives or purposes for which the authority herein is granted. The said lease shall contain a section or clause reserving to the Monroe City Board of Education the use of said stadium.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 376 CHAPTER 410

AN ACT TO AMEND CHAPTER 315 OF THE PRIVATE LAWS OF 1911 AS AMENDED RELATING TO THE CHARTER OF THE TOWN OF CARRBORO, NORTH CAROLINA AND TO REDEFINE THE TOWN LIMITS AND TO PROVIDE FOR CONTINUING ZONING JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 315 of the Private Laws of 1911 entitled "An Act to Incorporate the Town of Venable" and Chapter 97 of the Private Laws of 1913 amended to the "Town of Carrboro" is hereby amended by striking out all of Section 2 thereof as amended and by inserting in lieu thereof a new section 2 to read as follows:

"Sec. 2. Town Limits. (a) The corporate limits of the town shall be as hereinafter described with such changes as may be made from time to

time in the manner provided by law; as of the effective date of this Act the said limits shall include all of the area within the following boundaries:

BEGINNING at an iron stake at the old southwest corner of the corporate limits of the Town of Carrboro and which point is a short distance North of N. C. Highway 54 Bypass (North Carolina Grid N 783,337.50, E 1,977,489.33), and running thence South 59 degrees 34 minutes East 319.67 feet to a highway monument marking the right of way of the said highway, and running thence with the said highway right of way South 82 degrees 38 minutes East 173.36 feet to a stake; South 88 degrees 40 minutes 50 seconds East 300.36 feet to a stake and North 56 degrees 08 minutes 28 seconds East 111.20 feet to a stake at the northern intersection of the said highway and South Greensboro Street; running thence with the West line of South Greensboro Street North 21 degrees 24 minutes 28 seconds East 150 feet to a stake and North 8 degrees 46 minutes 32 seconds East 175.63 feet to an iron stake; running thence North 51 degrees 42 minutes East crossing South Greensboro Street 346 feet to an iron stake; running thence South 51 degrees 12 minutes East 287 feet to an iron stake; running thence North 37 degrees 54 minutes East 395.75 feet to an iron stake, a corner of the corporate limits line of the Town of Chapel Hill; thence following the common boundary line with the Town of Chapel Hill as established by Act of the 1967 General Assembly and, except as noted, following property lines, 5,939 feet with courses and distances as follows: North 87 degrees 05 minutes West 150 feet; North 35 degrees 24 minutes East 947.4 feet; North 75 degrees 00 minutes East 275.3 feet; South 3 degrees 00 minutes East 53.0 feet; North 86 degrees 00 minutes East 85.0 feet; North 2 degrees 35 minutes East 21.7 feet; South 84 degrees 00 minutes East 99.3 feet; North 78 degrees 25 minutes East 86.5 feet; North 56 degrees 30 minutes East 120.9 feet; North 77 degrees 10 minutes East 126.5 feet; thence across the property of Constructors Supply Co. North 43 degrees 45 minutes East 168.09 feet; thence continuing across the property of Constructors Supply Co. Lot 9, Block J, Orange County Tax Map #92, as revised January 1, 1966, South 89 degrees 27 minutes East 280.0 feet to a property corner, thence continuing South 89 degrees 27 minutes East 290 feet to the center line of Merritt Mill Road; thence along the center line of Merritt Mill Road as follows: North 00 degrees 05 minutes East 95.86 feet to a point in the intersection of Cameron Avenue and Merritt Mill Road; thence North 17 degrees 20 minutes West 106.87 feet; thence North 20 degrees 55 minutes West 932.48 feet; thence North 24 degrees 06 minutes West 519.26 feet to the northern right of way line of West Rosemary Street; thence along the northern right of way line of West Rosemary Street South 83 degrees 30 minutes West 20 feet to a property corner; thence along a property line North 3 degrees 25 minutes West 130.0 feet; thence South 83 degrees 30 minutes West 82.0 feet to the western right of way line of Sunset Drive; thence North 7 degrees 15 minutes West along the western right of way line of Sunset Drive 270.0 feet to a property corner; thence South 86 degrees 00 minutes West along a property line 88.0 feet; thence North 5 degrees 53 minutes West 155.07 feet crossing Starlite Drive; thence South 86 degrees 00 minutes West 76.8 feet; thence North 7 degrees 09 minutes West 450 feet; thence South

83 degrees 19 minutes West 160.57 feet; thence North 6 degrees 24 minutes West 149.26 feet to a common corner of the Chapel Hill and Carrboro corporate limit lines, which point is on the original eastern line of the Town of Carrboro and is North 25 degrees 28 minutes West 40.95 feet from the original northwest corner of the Town of Chapel Hill; running thence North 25 degrees 28 minutes West 2489.05 feet to a stake; (North Carolina Grid N 789,807.21, E 1,978,794.24) running thence South 64 degrees 32 minutes West 1228 feet; running thence North 55 degrees 21 minutes 36 seconds West 107.35 feet; running thence South 34 degrees 25 minutes 30 seconds West 185.54 feet; running thence South 64 degrees 32 minutes West 70 feet; running thence North 41 degrees 53 minutes 12 seconds West 510.61 feet; running thence North 33 degrees 37 minutes 06 seconds West 381.47 feet; running thence North 72 degrees 48 minutes 12 seconds East 112.50 feet; running thence North 16 degrees 18 minutes West 280 feet; running thence North 71 degrees 51 minutes 35 seconds West 99.60 feet; running thence North 14 degrees 36 minutes West 34 feet; running thence North 84 degrees 03 minutes West 382 feet; running thence South 5 degrees 57 minutes West 78.95 feet; running thence South 84 degrees 06 minutes 06 seconds West 191.34 feet; running thence South 47 degrees 39 minutes 36 seconds West and crossing Greensboro Street 1171.74 feet; running thence North 35 degrees 23 minutes 25 seconds West 392.90 feet; running thence North 47 degrees 26 minutes 35 seconds East 485 feet to the center of Greensboro Street; running thence along the center of Greensboro Street North 83 degrees 05 minutes West 547.54 feet; North 76 degrees 28 minutes West 298.82 feet and North 71 degrees 55 minutes West 499.16 feet to the center of old N. C. Highway #86; running thence along the center of said highway South 37 degrees 28 minutes 32 seconds East 737.15 feet; running thence North 53 degrees 05 minutes 09 seconds East 183.71 feet; running thence South 36 degrees 54 minutes 51 seconds East 100 feet; running thence South 53 degrees 05 minutes 09 seconds West 182.73 feet to the center of old N. C. Highway #86; running thence along the center of the said highway South 37 degrees 28 minutes 32 seconds East 458.98 feet; running thence South 53 degrees 27 minutes 06 seconds West 205.77 feet; running thence South 38 degrees 37 minutes 27 seconds East 217.93 feet; running thence South 47 degrees 39 minutes 36 seconds West 317 feet; running thence South 26 degrees 35 minutes 57 seconds East 709.29 feet; running thence South 18 degrees 51 minutes 48 seconds West 209 feet to the center of N. C. Highway #54; running thence along the center of said highway South 71 degrees 08 minutes 12 seconds East 429.88 feet; running thence South 25 degrees 28 minutes East 790 feet; running thence South 80 degrees 26 minutes 24 seconds West 305.72 feet; running thence South 73 degrees 41 minutes West 74.49 feet; running thence South 81 degrees 54 minutes West 454 feet to a stake in the East property line of Davie Road; running thence along the East Property line of said road South 7 degrees 45 minutes East 903 feet; running thence North 81 degrees 42 minutes 22 seconds East 844.37 feet; running thence North 3 degrees 10 minutes 21 seconds West 47.77 feet; running thence North 81 degrees 29 minutes 48 seconds East 262.21 feet; running thence South 25 degrees 28 minutes East and crossing Jones Ferry Road 1330.92 feet; running

thence South 55 degrees 34 minutes West 110 feet to a stake in the East property line of Barnes Street; running thence along the East property line of Barnes Street South 25 degrees 28 minutes East 150 feet to a stake; thence South 55 degrees 34 minutes West 79.37 feet to a stake in the West property line of Barnes Street; running thence South 60 degrees 59 minutes 35 seconds West 158.44 feet; running thence North 20 degrees 15 minutes West 111.63 feet; running thence South 61 degrees 02 minutes West 283 feet; running thence South 4 degrees 48 minutes West 551.49 feet; running thence North 88 degrees 43 minutes East 601.78 feet to a stake in the West property line of Barnes Street; running thence South 79 degrees 38 minutes 24 seconds East 19.24 feet to a stake at or near the intersection of the center lines of Barnes Street and King Street; running thence along the center line of King Street North 86 degrees 34 minutes East 357 feet to a stake; running thence South 25 degrees 28 minutes East 955 feet to the BEGINNING.

(b) The current town limits, at all times, shall be shown on a map or by a written description or by any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be, 'Map (or Description) of Carrboro Limits'. Alterations in these limits shall be indicated by appropriate entries upon or by additions to or by the redrawing of such map or such description. Such changes, entries or additions shall be made by or under the direction of the town clerk. A redrawn map or redrawn description shall supersede for all purposes the earlier maps or descriptions which it is designated to replace. Photographic, typed or other copies of such map or description, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description."

Sec. 2. Any property as described in Section 1 of this Act and which by this Act was transferred from the Town of Chapel Hill to the Town of Carrboro shall remain subject to the zoning ordinance of the Town of Chapel Hill until the first day of August 1967 unless the Town of Carrboro amends its zoning ordinance to include such area or areas and upon adoption of such amendment, the Carrboro ordinance shall become effective.

Sec. 3. All laws and clauses of law in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall be in full force and effect from and after the first day of June, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 377 CHAPTER 411

AN ACT TO AMEND CHAPTER 87 OF THE SESSION LAWS OF 1961 RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL AND TO REDEFINE THE TOWN LIMITS AND TO PROVIDE FOR CONTINUING ZONING JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 87 of the Session Laws of 1961, entitled "An Act to Revise and Reorganize the Charter of the Town of Chapel Hill", is hereby amended by striking out all of Subchapter B, entitled "Town

Boundaries", in Chapter I, Section 1, and by inserting in lieu thereof a new Subchapter B, entitled "Town Limits", to read as follows:

"SUBCHAPTER B. TOWN LIMITS

Section 1.21. Town Limits

(a) The corporate limits of the town shall be as hereinafter described with such changes as may be made from time to time in the manner provided by law. As of the effective date of this Act, the said limits shall include all of the area within the following boundaries:

BEGINNING at a Town line marker on the original southern line of the Town of Chapel Hill in the northwestern margin of Pittsboro Road (U. S. 15-501 Business); then with the northern and western margin of the said road in a generally southwest direction approximately 2,690 feet to where the southern line of the property of the University of North Carolina intersects the western margin of the said Pittsboro Road; then North 85 degrees 20 minutes West crossing the Old Pittsboro Road and continuing along a line parallel to Smith Avenue and 208.7 feet North of the northern margin of Smith Avenue approximately 2,250 feet to the center line of a branch known as Pritchard Branch; then down the center line of said branch in a southerly direction about 1,300 feet, crossing N. C. 54 Bypass, to the center line of Morgan Creek; then up the center line of Morgan Creek in a westwardly direction about 2,000 feet to the southeastern corner of the Frank Porter Graham School property; then in a northerly direction along the eastern line of the school property about 731 feet to the southern right of way line of N. C. 54 Bypass; then continuing northerly in the same direction about 200 feet to the northern right of way line of N. C. 54 Bypass; then in a northwestwardly direction along the northern right of way line of N. C. 54 Bypass and the exit lane from the Bypass to the southern right of way line of Merritt Mill Road; then in an easterly direction diagonally across Merritt Mill Road about 150 feet to the northern right of way line of Merritt Mill Road at the property corner between Lots 17 and 17A, Block C, Orange County Tax Map No. 100, as revised January 1, 1966; then North along the eastern property line of Lot 17 about 298 feet to the southern property line of Lot 33, Block C, on said tax map the property of Larry Sturdivant; then East along this property line 30 feet to a property corner; then in a northerly direction along the eastern property line of Lot 33, the Sturdivant property, about 585 feet to his corner, the end of Wentworth Street; then North 87 degrees 05 minutes West along a property line about 155 feet to a property corner, also a corner of the corporate limit line of the Town of Carrboro; then following the common boundary line with the Town of Carrboro as established by Act of the 1967 General Assembly and, except as noted, following property lines, 5,939 feet with courses and distances as follows:

North 87 degrees 05 minutes West 150 feet; North 35 degrees 24 minutes East 947.4 feet; North 75 degrees 00 minutes East 275.3 feet; South 3 degrees 00 minutes East 53.0 feet; North 86 degrees 00 minutes East 85.0 feet; North 2 degrees 35 minutes East 21.7 feet; South 84 degrees 00 minutes East 99.3 feet; North 78 degrees 25 minutes East 86.5 feet; North 56 degrees 30 minutes East 120.9 feet; North 77 degrees

10 minutes East 126.5 feet; then across the property of Constructors Supply Co. North 43 degrees 45 minutes East 168.09 feet; then continuing across the property of Constructors Supply Co. Lot 9, Block J, Orange County Tax Map No. 92, as revised January 1, 1966, South 89 degrees 27 minutes East 280.0 feet to a property corner; then continuing South 89 degrees 27 minutes East 290 feet to the center line of Merritt Mill Road; then along the center line of Merritt Mill Road as follows: North 00 degrees 05 minutes East 95.86 feet to a point in the intersection of Cameron Avenue and Merritt Mill Road; then North 17 degrees 20 minutes West 106.87 feet; then North 20 degrees 55 minutes West 932.48 feet; then North 24 degrees 06 minutes West 519.26 feet to the northern right of way line of West Rosemary Street; then along the northern right of way line of West Rosemary Street South 83 degrees 30 minutes West 20 feet to a property corner; then along a property line North 3 degrees 25 minutes West 130.0 feet; then South 83 degrees 30 minutes West 82.0 feet to the western right of way line of Sunset Drive; then North 7 degrees 15 minutes West along the western right of way line of Sunset Drive 270.0 feet to a property corner; then South 86 degrees 00 minutes West along a property line 88.0 feet; then North 5 degrees 53 minutes West 155.07 feet crossing Starlite Drive; then South 86 degrees 00 minutes West 76.8 feet; then North 7 degrees 09 minutes West 450 feet; then South 83 degrees 19 minutes West 160.57 feet; then North 6 degrees 24 minutes West 149.26 feet to a common corner of the Chapel Hill and Carrboro corporate limit lines; which point is on the original eastern line of the Town of Carrboro and is North 25 degrees 28 minutes West, 40.95 feet from the original northwest corner of the Town of Chapel Hill; then continuing North 6 degrees 24 minutes West 655 feet along the rear property lines of the lots on the West side of Bynum Street, to a property corner; then along a property line North 78 degrees East 138 feet to a western right of way line of Bynum Street; then South 60 degrees East 85 feet diagonally across Bynum Street to the eastern right of way line of Bynum Street and a property corner located about 150 feet North of Gomains Avenue; then North 75 degrees East 225 feet along the rear property line of the lots on the North side of Gomains Avenue to a point; then North 3 degrees West 22 feet and North 8 degrees East 100 feet along the rear property line of the lots facing Sykes Street to a property corner; then South 86 degrees East along a property line 120 feet to the western right of way line of Sykes Street; then continuing South 86 degrees East 48 feet across Sykes Street to its eastern right of way line at the northwest corner of the property of the Chapel Hill Housing Authority; then following the property line of the Chapel Hill Housing Authority North 74 degrees East 190 feet, South 22 degrees East 100 feet, and North 69 degrees East 150 feet to the western right of way line of Edwards Alley; then approximately South 74 degrees East diagonally across Edwards Alley 40 feet to the eastern right of way line of Edwards Alley at a property corner; then North 69 degrees East along the rear property line of properties facing Gomains Avenue 127 feet to a property corner; then South 22 degrees East along a property line 125 feet to a property line which would be the eastward extension of the North right of way line of Gomains Avenue if the same were extended eastwardly; then

North 69 degrees East along this property line about 60 feet to the center line of Tanyard Branch; then down the center line of Tanyard Branch in a northerly direction about 2,500 feet to its intersection with Bolin Creek; then down Bolin Creek in an eastwardly direction about 7,200 feet to its junction with Cole Springs Branch; then upstream with the center line of Cole Springs Branch in a northerly direction, along the property line of the area known as "Hidden Hills", approximately 1,680 feet to a corner of the area known as "Estes Hills"; then continuing upstream with the center line of Cole Springs Branch in a northerly and northwestwardly direction approximately 1,645 feet to a corner of the "Estes Hills" property; then North 1 degree 59 minutes East 597.7 feet; then North 88 degrees 33 minutes West 312.3 feet; then North 86 degrees 23 minutes West 168.6 feet; then North 00 degrees 19 minutes West 428.9 feet; then North 87 degrees 34 minutes West 133.8 feet; then North 18 degrees East about 400 feet to the center line of Estes Drive; then with the center line of Estes Drive South 89 degrees 33 minutes East about 500 feet to the corner of the Guy B. Phillips School property; then with the line of said school property North 10 degrees 22 minutes East 877.9 feet to the northwest corner of the school lot; then North 10 degrees 15 minutes East 1,815 feet to the northwest corner of Lot 2, Orange County Tax Map No. 28, as revised January 1, 1965; then with the North line of said Lot 2 eastwardly 2,445 feet to the western line of Lake Forest Subdivision; then with the western line of Lake Forest Subdivision North 3 degrees 14 minutes East 1,832 feet; and North 16 degrees 58 minutes East 483.7 feet; and North 2 degrees 14 minutes East 675 feet to a point 245 feet North of the northern right of way line of Shady Lawn Road; then following property lines South 87 degrees 28 minutes East 158.42 feet; South 80 degrees 33 minutes East 160.0 feet; then South 61 degrees 03 minutes East 140.0 feet; South 3 degrees 27 minutes East 70.0 feet; South 55 degrees 59 minutes East 200.0 feet to the western right of way line of Kenmore Road; then South 73 degrees 28 minutes East 62.9 feet to the eastern right of way line of Kenmore Road; then South 55 degrees 41 minutes East 164.9 feet; then North 39 degrees 53 minutes East 202 feet; then North 47 degrees 57 minutes East 115 feet; then South 76 degrees 18 minutes East 200 feet; then South 54 degrees 48 minutes East 145 feet; then South 7 degrees 25 minutes East 227 feet; then South 38 degrees West 42 feet; then South 61 degrees 22 minutes East 198.94 feet to the western right of way line of North Lake Shore Drive; then South 43 degrees 10 minutes East 62.75 feet to the eastern right of way line of North Lake Shore Drive, then South 46 degrees 28 minutes East 248.31 feet to the western edge of Eastwood Lake; then in an eastern, southern and western direction along the shore of Eastwood Lake about 1,800 feet to the center line of Booker Creek at the dam; then down the center line of Booker Creek in a southerly direction about 4,500 feet to the northwestern right of way line of U. S. 15-501; then in a northeastwardly direction along the right of way of said highway 250 feet; then approximately South 62 degrees East about 740 feet across the highway right of way to the eastern right of way line of U. S. Highway 15-501 Bypass at its intersection with a line parallel to and 200 feet in a northeastwardly direction from the northeastern right of way line of

Ephesus Church Road; then South 38 degrees East parallel to the northeastern right of way line of Ephesus Church Road about 750 feet to the northwestern right of way line of Legion Road; then South 40 degrees East about 60 feet across Legion Road to its southeast right of way line at a property corner; then South 71 degrees 16 minutes East along a property line 1,124 feet to the northern corner of Lot 13A, Block D, Orange County Tax Map No. 27, as revised January 1, 1965; then South 2 degrees 47 minutes East along the eastern line of said Lot 13A 543 feet to a property corner; then South 86 degrees 30 minutes East along the northern line of Lot 12, Block D, said map 184.8 feet; then South 6 degrees 47 minutes West along a property line 209.35 feet to the northern right of way line of Ephesus Church Road; then in a southerly direction across Ephesus Church Road about 60 feet to its southern right of way line at a point on the extension of the eastern boundary line of Ridgefield Park Subdivision; then following the eastern boundary of Ridgefield Park Subdivision South 8 degrees 51 minutes East 1,960 feet; and South 00 degrees 47 minutes East 165.9 feet to the northern right of way line of LeClair Street; then crossing LeClair Street South 46 degrees East about 80 feet to the southern right of way line of LeClair Street at a property corner; then following property lines South 11 degrees 19 minutes East 115.57 feet; South 13 degrees 29 minutes West 57.57 feet; South 56 degrees 12 minutes East 62.47 feet; South 6 degrees 23 minutes East 99.53 feet to the northern right of way line of Wildwood Drive; then in a southerly direction across Wildwood Drive about 60 feet to a property corner, the northeast corner of Lot 3, Block E, Orange County Tax Map No. 51A, as revised January 1, 1965; then South 4 degrees 43 minutes East 130 feet; then South 26 degrees 02 minutes West 53.98 feet; then following the southern property line of Ridgefield Park, Section IV North 88 degrees 56 minutes West about 1,500 feet to the center line of Booker Creek; then down the center line of Booker Creek in a southerly direction about 1,550 feet to the southern bank of Bolin Creek; then along the South bank of Bolin Creek North 48 degrees 24 minutes West 450.9 feet to a point where the eastern edge of Rogerson Drive extended intersects Bolin Creek; then South 6 degrees 58 minutes West with the eastern edge of Rogerson Drive 5,462 feet to the center line of N. C. 54 (Raleigh Road); then southeastwardly along the center line of N. C. 54 past the entrance to Mason Farm Road 1,049.3 feet to a point on the extension of the eastern line of Lot 1, Block D, Orange County Tax Map No. 65, as revised January 1, 1965; then along the eastern edge of said lot South 4 degrees 57 minutes East 320 feet to a corner of the University of North Carolina golf course property; then North 85 degrees 06 minutes West 301 feet to the center line of Mason Farm Road; then with the center line of Mason Farm Road in a southerly direction 1,682 feet to a point; then leaving the Mason Farm Road North 77 degrees 57 minutes West 210 feet; then North 5 degrees 47 minutes East 1,143.2 feet; then North 27 degrees 34 minutes West 518.8 feet; then North 30 degrees 51 minutes East 202.5 feet to the center line of Preswick Road; then with the center line of Preswick Road in a northwestwardly direction to its intersection with a street at the northeast corner of the Glenwood School property; then South 6 degrees 00 minutes

West 1,840 feet; then North 84 degrees 00 minutes West 1,981 feet to the center line of U. S. 15-501 Bypass; then in a southerly direction with the center line of U. S. Highway 15-501 Bypass 1,577 feet to the point where said highway crosses the Meeting of the Waters Branch; then with the center line of the Meeting of the Waters Branch upstream in a northwestwardly direction approximately 3,455 feet to the eastern line of the property of the University of North Carolina; then with the said line of the University of North Carolina North 5 degrees 13 minutes East 1,745 feet to the point where the said University line intersects the original southern line of the Town of Chapel Hill; then with the original southern line of the Town of Chapel Hill South 64 degrees 32 minutes West 4,068.1 feet to a Town line marker on the northwestern margin of Pittsboro Road, the point of BEGINNING.

Excluded from the area described above is a tract of land described as follows: BEGINNING at the point where the eastern right of way line of U. S. 15-501 Bypass intersects the center line of Bolin Creek; then upstream along the center line of Bolin Creek about 3,100 feet to a point 200 feet East of the eastern right of way line of U. S. 15-501A (East Franklin Street) then in a northerly direction parallel to and 200 feet from the eastern right of way line of U. S. 15-501A (East Franklin Street) 3,450 feet to the West property line of the Crowell-Little Motor Company; then with the line of the Crowell-Little Motor Company South 30 degrees East about 786 feet; then North 84 degrees East about 290 feet to the center line of Booker Creek; then down the center line of Booker Creek in an easterly direction about 800 feet to the eastern right of way line of U. S. 15-501 Bypass; then in a southerly direction along said right of way line about 2,725 feet to the center line of Bolin Creek the point of BEGINNING.

(b) The current town limits, at all times, shall be shown on a map or by a written description or by any combination thereof, to be retained permanently in the office of the town clerk and to be designated, as the case may be, 'Map (or Description) of Chapel Hill Town Limits'. Alterations in these limits shall be indicated by appropriate entries upon or by additions to or by the redrawing of such map or such description. Such changes, entries or additions shall be made by or under the direction of the town manager. A redrawn map or redrawn description shall supersede for all purposes the earlier maps or descriptions which it is designated to replace. Photographic, typed or other copies of such map or description, certified by the town clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description."

Sec. 2. Any property as described in Section 1 of this Act and which by this Act was transferred from the Town of Carrboro to the Town of Chapel Hill shall remain subject to the zoning ordinance of the Town of Carrboro until the first day of August, 1967 unless the Town of Chapel Hill amends its zoning ordinance to include such area or areas and upon adoption of such amendment, the Chapel Hill Ordinance shall become effective.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall be in full force and effect from and after the first day of June, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 397 CHAPTER 412

AN ACT TO AMEND CHAPTER 445—SESSION LAWS OF NORTH CAROLINA 1945, AS AMENDED BY CHAPTER 865—SESSION LAWS OF NORTH CAROLINA 1953 AND CHAPTER 827—SESSION LAWS OF NORTH CAROLINA 1957 TO PERMIT UNION COUNTY TO PROVIDE RETIREMENT BENEFITS TO EMPLOYEES THROUGH THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Union County is hereby authorized to terminate the Retirement System of Union County, North Carolina, such termination to be effective as of June 30, 1967, and to provide for retirement benefits to employees in positions theretofore covered thereunder, by and through participation of Union County as a participating employer in the North Carolina Local Governmental Employees' Retirement System. Such participation shall be subject to written agreement between such Board of County Commissioners and the Board of Trustees of the North Carolina Local Governmental Employees' Retirement System, specifying such terms and conditions as such Board of Trustees may deem necessary, and shall be effective as of July 1, 1967. Such participation shall be with respect to persons now or hereafter employed in positions which have been covered under the Retirement System of Union County of North Carolina, or persons entitled as of June 30, 1967 to retirement benefits by reason of previous retirement thereunder.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 45 CHAPTER 413

AN ACT TO AMEND PART 5, ARTICLE 3 OF THE MOTOR VEHICLE ACT OF 1937 SO AS TO PROVIDE FOR OPTIONAL SPECIAL PERSONALIZED REGISTRATION PLATE UPON PROPER APPLICATION AND PAYMENT OF ADDITIONAL FEE.

The General Assembly of North Carolina do enact:

Section 1. Part 5 of Article 3 of Chapter 20, as same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by adding a new Section immediately following G. S. 20-81.2 to be numbered 81.3 and to read as follows:

"20-81.3. Special Personalized Registration Plates. (a) The Commissioner may issue under such regulation as he shall deem appropriate a

special personalized registration plate to the owner of a private passenger motor vehicle in lieu of another number plate. Such personalized registration plate shall be of such design and shall bear such letter or letters and numerals as the Commissioner shall prescribe, but there shall be no duplication of a registration plate. The Commissioner shall in his discretion refuse the issue of such letter combinations which might carry connotations offensive to good taste and decency.

"(b) An owner who desires personalized registration plates shall make application for such plates on forms which shall be provided by the Department of Motor Vehicles and pay the sum of ten dollars ($10.00) annually, which shall be in addition to the regular motor vehicle registration fee. Once an owner has obtained personalized plates, he, where possible, will have first priority on those plates for the following years provided he makes timely and appropriate application; provided, however, that the Commissioner shall not issue a personalized license plate pursuant to this Section except upon written application therefor on a form furnished by the Commissioner in which the applicant certifies that his operator's or chauffeur's license has not been revoked or suspended under Article 2 of Chapter 20 of the General Statutes within two years prior to the date of the application; and provided, further, that any personalized license plate issued pursuant to this Section shall be cancelled and recalled by the Commissioner and the application fee forfeited in the event that the Commissioner determines that a false application has been submitted.

"(c) The revenue derived from the additional fee for such plates shall be placed in a separate fund designated the 'Personalized Registration Plate Fund'. After deducting the cost of the plates, plus budgetary requirements for handling and issuance to be determined by the Commissioner of Motor Vehicles, any remaining moneys derived from the additional fee for such plates shall be periodically transferred as follows:

"(1) One-half to the account of the Department of Conservation and Development to aid in financing out-of-state advertising under the North Carolina program for the promotion of travel and industrial development in North Carolina.

"(2) One-half to the State Highway Commission to be used solely for the purpose of beautification of highways other than those designated as interstate. Such funds shall be administered by the State Highway Commission for beautification purposes not inconsistent with good landscaping and engineering principles.

"(d) The Governor's Advisory Committee on Beautification shall act in an advisory capacity to the State Highway Commission and shall, from time to time, make such recommendations to the State Highway Commission concerning beautification of highways as it shall deem appropriate.

"(e) Special personalized registration plate shall mean any registration plate bearing any combination of letters or numerals, or both, other than that which the department determines would normally be issued sequentially to an applicant for original or renewal vehicle registration.

"(f) In the event a personalized registration plate is lost, stolen or mutilated, the owner may not obtain another such plate bearing the same letter, letters or numerals until the next registration year. He may, upon proper application and payment of a fee of one dollar ($1.00),

obtain a plate of the regular series. Provided, further, that a special personalized registration plate revoked for violation of the motor vehicle laws shall not be reissued, but in lieu thereof a plate of the regular series will be issued upon payment of the appropriate fee for the new registration plate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 499 CHAPTER 414

AN ACT TO AMEND CHAPTER 278 OF THE SESSION LAWS OF 1965 RELATING TO THE CONTROL OF THE APPEARANCE OF STRUCTURES IN CERTAIN DISTRICTS OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Section 2(b) of Chapter 278 of the Session Laws of 1965 is hereby amended by striking out said subsection (b) and by inserting in lieu thereof the following:

"(b) Create and appoint a special Appearance Commission consisting of not less than seven nor more than 15 members, all of whom shall be citizens and residents of the Chapel Hill area of planning and zoning jurisdiction. Members shall be appointed by the Mayor and Board of Aldermen for such terms, not to exceed five years, as the town governing board may by ordinance provide. One of said members shall be appointed from a list of nominees submitted by the Chancellor of The University of North Carolina at Chapel Hill, and one member shall be the Chairman of the Community Appearance Committee of the Chapel Hill Planning Board, ex officio, who shall have and exercise all rights and privileges of other members of the Appearance Commission. In making appointments to the Commission, the Mayor and Board of Aldermen shall seek to maintain at all times as members of the Commission not less than three members who have had special training or experience in a design profession."

Sec. 2. Chapter 278 of the Session Laws of 1965 is hereby amended by adding the following new Sections immediately following Section 2 thereof, to read as follows:

"Sec. 3. As a further means of preserving and enhancing the character of the Town of Chapel Hill, the governing board of said town is especially authorized to confer upon the Community Appearance Commission the following powers and duties:

(a) To initiate, promote and assist in the implementation of programs of general community beautification in Chapel Hill and its environs.

(b) To seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of Chapel Hill and its environs.

(c) To provide leadership and guidance in matters of design and appearance to individuals, organizations and groups, public and private.

(d) To make studies of the visual assets and liabilities of the community, including surveys and inventories of an appropriate nature, and to suggest standards and policies of design for the entire community, any neighborhood thereof, or any individual project to be undertaken therein.

(e) To prepare both general and specific plans for the improved appearance of the Town of Chapel Hill and its environs. Such plans may include the entire community or any part thereof, and may include private as well as public property. Such plans shall set forth desirable standards and goals for the aesthetic enhancement of Chapel Hill or any part thereof, or the surrounding area within the area of planning and zoning jurisdiction, including public ways and areas, open spaces and public and private buildings and projects.

(f) To participate in the implementation of the foregoing plans in ways deemed appropriate to the governing board of the town and as specified in the ordinance establishing the Commission. To this end, the governing board is specially authorized to include in said ordinance the following powers:

(1) To request from the proper officials of any public agency, including the Town of Chapel Hill, the County of Orange, The University of North Carolina, the Chapel Hill Recreation Commission, the Chapel Hill School District, the Chapel Hill Housing Authority, all public utilities and any State or federal agency, its plans for public buildings, facilities or projects in Chapel Hill and its environs.

(2) To review such plans and to make recommendations regarding their aesthetic suitability to the appropriate agency or governing board and to the Chapel Hill Board of Aldermen. The Appearance Commission shall review such plans in a prompt and expeditious manner. All recommendations of the Commission with regard to any public project shall be in writing, and copies of said recommendations shall be transmitted promptly to the Chapel Hill Board of Aldermen.

(3) To formulate and recommend to the Chapel Hill Planning Board and Board of Aldermen such ordinances and amendments to existing ordinances (including the zoning ordinance, subdivision regulations and other local ordinances regulating the use and development of property) as will, in the opinion of the Commission, serve to enhance the appearance of Chapel Hill and its environs.

(4) To direct town officials' attention to needed enforcement of any ordinance which in any way may affect the appearance of the town.

(5) To seek, through any appropriate means, voluntary adherence to the standards and policies of its plans.

(6) To study and to make recommendations to the Board of Aldermen concerning implementation of the powers conferred upon the town both hereby and by Chapter 278 of the Session Laws of 1965.

(7) To enter, in the performance of its official duties and with the permission of the property owner, upon private lands and make examinations or surveys.

(8) To promote public interest in and an understanding of its recommendations, studies and plans and, to that end, to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the Commission, advance the cause of improved community appearance.

(9) To conduct such public meetings and hearings as may in its judgment be deemed necessary, giving reasonable notice to the public thereof.

(10) To conduct an annual meeting at which the programs, progress, problems and policies of the Commission shall be presented and at which the public at large shall be invited to express itself on matters relating to the town's appearance.

(g) To recommend to the Board of Aldermen suitable arrangements for the provision of staff and procurement of technical services for the Commission and to establish an Advisory Council or such committees as it may deem necessary."

Sec. 4. The Appearance Commission shall, no later than May 1 of each year, submit to the Chapel Hill Board of Aldermen a written report of its activities, an analysis of its expenditures to date for the current fiscal year and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year. All accounts and funds of the Commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.

The Appearance Commission is hereby authorized to receive contributions from private agencies, foundations, organizations, individuals, the State or Federal Government, or any other source, in addition to any sums which may be appropriated for its use by the Board of Aldermen of the Town of Chapel Hill. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approved budget. All sums appropriated by the Town of Chapel Hill to further the work and purposes of the Commission shall be deemed to have been appropriated for a public purpose.

Sec. 5. Sections 3, 4 and 5 of Chapter 278 of the Session Laws of 1965 are hereby amended by renumbering and redesignating the same as Sections 5, 6 and 7, respectively.

Sec. 6. Should any Section, clause or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

Sec. 7. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 578 CHAPTER 415

AN ACT DIRECTING THE BOARD OF COMMISSIONERS OF MITCHELL COUNTY TO APPROPRIATE $1200 TO THE NORTH CAROLINA RHODODENDRON FESTIVAL ON ROAN MOUNTAIN IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Mitchell County is hereby authorized, empowered and directed to appropriate from any available

funds an amount not exceeding twelve hundred dollars ($1200.00) to the Board of Directors of the North Carolina Rhododendron Festival on Roan Mountain in Mitchell County; said funds to be paid in equal annual installments of six hundred dollars ($600.00) during the years 1967 and 1968. The funds so appropriated shall be utilized by the Board of Directors of the Rhododendron Festival in promoting the Festival generally and for the special purpose of attracting visitors from other parts of North Carolina and from outside the State to the Festival itself and to the mountain areas of North Carolina, and for any other useful and necessary purpose and expense of the annual Rhododendron Festival.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 662 CHAPTER 416

AN ACT RENAMING JONES KNOB, LOCATED IN HAYWOOD AND JACKSON COUNTIES, AS MOUNT LYN LOWRY.

The General Assembly of North Carolina do enact:

Section 1. Jones Knob, located in Haywood and Jackson Counties, is hereby officially designated and named "Mount Lyn Lowry".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 687 CHAPTER 417

AN ACT TO PROHIBIT THE CREATION OF LOUD AND UNNECESSARY NOISES GENERALLY IN CHINA GROVE TOWNSHIP OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. (a) Subject to the provisions of this Act, the creation of any unreasonably loud, disturbing and unnecessary noise of such character as would be a detriment to public health, comfort, safety, welfare and prosperity of the residents of China Grove Township of Rowan County is prohibited.

(b) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Act, but said enumeration shall not be deemed to be exclusive, namely:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal; the creation by means of any such

signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or any musical instrument in such manner or with such volume, as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.

(3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling, or other noise.

(5) The creation of any excessive and unreasonable noise on any street adjacent to any school, institution of learning, library, or court while the same is in session, or adjacent to any hospital, or any church during services, which unreasonably interferes with the working of such institution.

(6) The shouting and crying of peddlers, hawkers, venders, which disturb the quiet and peace of the neighborhood.

(6a) The raising of human voice as to sing loud, speak loud, shout or scream in a disorderly manner that disturbs the quiet and peace of the neighborhood.

(7) The use of any drum, loud-speaker, or other instrument or device for the purpose of attracting attention by creation of noise for any performance, show, sale, display, or advertisement of merchandise, or any other commercial or noncommercial purpose, unless the permission of the Rowan County Commissioners or Chief of Police of North Kannapolis in that part of Kannapolis, or the Mayor of Landis in the City of Landis and the Mayor of China Grove in the City of China Grove has been given to use same.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined, in the discretion of the court not to exceed twenty-five dollars ($25.00).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 702 CHAPTER 418

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF GASTON COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Gaston is hereby authorized and empowered to prescribe regulations as to the type

and form of oath, or declaration, and the manner of administering the same to persons, firms, and corporations listing property for taxation in Gaston County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309, and G. S. 105-310 shall be applicable to Gaston County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Gaston County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 3. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Gaston County. If the Board of County Commissioners of Gaston County has adopted regulations relating to any matter covered by this Act, the listing in Gaston County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 4. This Act shall apply only to Gaston County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 705 CHAPTER 419

AN ACT AMENDING G. S. 143-135 RELATING TO THE LETTING OF PUBLIC CONTRACTS BY THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

Section 1. That Section 143-135 of the General Statutes of North Carolina, be and the same is hereby amended by adding at the end thereof the following:

"The provisions of this Article shall not apply to the City of Belmont, in the discretion of the City Council of said city, in the expenditure of public funds when the total costs of any repairs, completed project, building or structure shall not exceed the sum of twenty-five thosuand dollars ($25,000.00), if the repairs, completed project, building or structure are performed or accomplished by or through duly elected officers or agents of the City of Belmont involved."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 707 **CHAPTER 420**

AN ACT TO MAKE G. S. 14-335, SUBDIVISION 1, APPLICABLE TO WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby amended by inserting "Watauga", in its proper alphabetical order, in the list of counties to which subdivision 1 thereof is applicable, so that subdivision 1 of G. S. 14-335 becomes applicable to Watauga County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 711 **CHAPTER 421**

AN ACT RELATING TO DISCOUNTS FOR PREPAYMENT OF AD VALOREM TAXES TO THE TOWN OF VALDESE SO AS TO PROVIDE THE SAME DISCOUNT AS IS ALLOWED FOR PREPAYMENTS TO BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For ad valorem taxable years beginning in 1967, and thereafter, the discount allowed to taxpayers for the prepayment of ad valorem taxes owed to the Town of Valdese shall be the same as is now permitted for prepayment of ad valorem taxes to Burke County under Chapter 126 of the Session Laws of 1965.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 712 **CHAPTER 422**

AN ACT TO AMEND G. S. 105-422, RELATIVE TO THE LIMITATION ON ACTIONS TO RECOVER AD VALOREM TAXES, SO AS TO MAKE THE STATUTE APPLICABLE TO THE TOWN OF VALDESE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-422, as the same appears in the 1965 Replacement Volume 2D of the General Statutes, is hereby amended by adding at the end thereof a new sentence to read as follows: "This Section shall apply to the Town of Valdese."

Sec. 2. Chapter 373 of the Session Laws of 1959, insofar as the same relates to the Town of Valdese, is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification, but the same shall not effect any pending litigation.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 723 CHAPTER 423

AN ACT TO AMEND SECTIONS 105-306 (26), 105-308, 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROWAN COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Rowan County is hereby authorized and empowered to prescribe regulations of the type and form of oath, or declaration, and the manner of administering the same to persons, firms, and corporations listing property for taxation in Rowan County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. The provisions of GS 105-306 (26), GS 105-308, GS 105-309 and GS 105-310 shall be applicable to Rowan County except insofar as they are inconsistent with regulations of the Board of County Commissioners relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 3. This Act shall apply only to Rowan County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 728 CHAPTER 424

AN ACT TO PROVIDE FOR THE FILLING OF VACANCIES ON THE BOARD OF COUNTY COMMISSIONERS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by inserting the word "Dare" immediately after the word "Columbus" in line 6 thereof.

Sec. 2. The Board of County Commissioners of Dare County, before filling any vacancy in said Board, shall seek the recommendation of the County Executive Committee of the party whose member caused the vacancy on the Board but the recommendation of the County Executive Committee shall not be binding upon the Board of Commissioners in filling a vacancy.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 730 CHAPTER 425

AN ACT TO REVOKE THE CHARTER OF THE TOWN OF ENGLEHARD IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Englehard in Hyde County is hereby revoked and said town shall no longer be an incorporated municipality.

Sec. 2. Chapter 419, Private Laws of 1905, Chapter 48, Private Laws of 1913, and Chapter 15, Extra Session Private Laws of 1913, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 745 CHAPTER 426

AN ACT TO AUTHORIZE THE BOARD OF ALCOHOLIC CONTROL OF NORTHAMPTON COUNTY TO EXPEND CERTAIN FUNDS FOR LAW ENFORCEMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-45(15) is hereby amended by adding at the end thereof the following:

"The Board of Alcoholic Control of Northampton County is hereby authorized to expend up to fifteen per cent (15%) of its annual net profits or twelve thousand five hundred dollars ($12,500.00), whichever is greater, for the enforcement of the Alcoholic Beverage Control laws in Northampton County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 747 CHAPTER 427

AN ACT TO AMEND CHAPTER 82, PUBLIC-LOCAL LAWS OF 1937 TO PROVIDE STAGGERED TERMS FOR THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 82, Public-Local Laws of 1937, is hereby amended by rewriting Sections 2 and 4 to read as follows:

"Sec. 2. The Board of County Commissioners of Northampton County shall consist of five members who shall serve for staggered terms as hereinafter provided.

"Sec. 4. At the primary and general election held for county officials in Northhampton County in 1968, there shall be nominated and elected five members of the Board of County Commissioners. The Commissioners elected for District No. 1 and District No. 2 shall serve for a term of four years, and until their successors are elected and qualified. The Commissioners elected for Districts Nos. 3, 4 and 5 shall serve for a term of two years, and until their successors are elected and qualified.

"At the primary and general election in 1970 and biennially thereafter, there shall be nominated and elected members of the Board of County Commissioners to take the place of the members whose terms next expire, and the persons so elected shall serve for terms of four years and until their successors are elected and qualified."

Sec. 2. Section 3, Chapter 82, Public-Local Laws of 1937 and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 748

CHAPTER 428

AN ACT TO AMEND CHAPTER 96, SESSION LAWS OF 1961, RELATING TO EXPENDITURE OF FUNDS FOR INDUSTRIAL DEVELOPMENT IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 96, Session Laws of 1961, is hereby amended by striking the words and figures "twenty-five thousand dollars ($25,000.00)" appearing in the fourth line and inserting in lieu thereof the words and figures "thirty-five thousand dollars ($35,000.00)".

Sec. 2. Chapter 543, Session Laws of 1965, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 751

CHAPTER 429

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF WALLACE TO SELL CERTAIN SURPLUS REAL PROPERTY AND TO REPEAL CHAPTER 708 OF THE 1961 SESSION LAWS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Wallace is hereby empowered and authorized to sell at the best terms and for the best price obtainable real property located on West Railroad Street and presently used for library facilities for said town. Said sale may be made at or

conducted at public auction after such time and method of advertising or notices that the governing body shall deem best or if the governing body of the Town of Wallace considers it wise and proper to do so, it may sell the same at private sale. The governing body of the Town of Wallace shall be authorized to execute said sale and is authorized to sell same by the method of deferred payments and to secure any deferred or installment payments by the first mortgage or a deed of trust from the purchaser.

Sec. 2. Chapter 708 of the 1961 Session Laws is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 765

CHAPTER 430

AN ACT TO BROADEN THE HOME RULE POWERS OF THE BOARD OF COUNTY COMMISSIONERS TO FIX THE COMPENSATION OF CERTAIN OFFICIALS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The purpose and intent of this Act is to broaden the home rule powers of the Board of Commissioners of Burke County to fix the compensation of certain officials of Burke County, and is in compliance with the request of said board to the General Assembly of North Carolina.

Sec. 2. The first sentence of Section 1 of Chapter 1095 of the 1959 Session Laws is hereby amended to read:

"The Board of County Commissioners of Burke County is authorized, in its discretion, to fix the annual compensation of the Sheriff and Register of Deeds in identical amounts of not more than ten thousand dollars ($10,000.00) each per year".

Sec. 3. Section 2 of Chapter 1095 of the 1959 Session Laws is hereby amended to read as follows:

"The Board of County Commissioners of Burke County is authorized, in its discretion, to fix the annual compensation of the Chief Deputy Sheriff of Burke County in an amount of not more than seven thousand dollars ($7,000.00) per year. Said board is further authorized to fix a travel allowance not in excess of that fixed for the rural policemen of said county. Provided, however, the combined annual compensation and travel allowance of the Chief Deputy Sheriff shall not exceed the combined annual compensation and travel allowance of the Sheriff of said county".

Sec. 4. Inasmuch as both the Sheriff and Register of Deeds are elected officials for a term of years, nothing contained in this Act shall authorize the Board of County Commissioners to lower the annual compensation of said officials during their respective terms of office.

Sec. 5. Section 3 of Chapter 1095 of the 1959 Session Laws is hereby repealed.

Sec. 6. The compensation and expense allowances authorized by this Act shall be paid out of the General Fund of Burke County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 776 CHAPTER 431

AN ACT TO AMEND GENERAL STATUTES SECTION 152-1 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO APPOINT AN ASSISTANT CORONER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152-1 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"The Board of County Commissioners of Cleveland County is hereby authorized, in its discretion, to appoint some fit and suitable person to act as assistant coroner for Cleveland County. The person so appointed shall hold office at the pleasure of the board of county commissioners and shall take and subscribe to the oaths prescribed for public officers. He shall also execute an undertaking conditioned upon the faithful discharge of the duties of his office with good and sufficient surety in the penal sum of two thousand dollars ($2,000.00) payable to the State of North Carolina and approved by the board of county commissioners. The assistant coroner so appointed shall be vested with all the powers and duties conferred upon the regular coroner with respect to holding inquests over deceased bodies and shall be subject to the penalties and liabilities imposed on the coroner. He shall serve in the absence of the Coroner of Cleveland County and as necessary at such times as is required by the board of county commissioners and shall receive such compensation for his services as the board of county commissioners shall determine."

Sec. 2. This Act shall apply only to Cleveland County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 783 CHAPTER 432

AN ACT TO AUTHORIZE THE ASHE COUNTY BOARD OF EDUCATION TO CONVEY TO THE TOWN OF WEST JEFFERSON CERTAIN PROPERTY TO BE USED FOR COMMUNITY PURPOSES.

WHEREAS, the Ashe County Board of Education owns certain property formerly known as a Community Building and which was once used for Community Center purposes; and

WHEREAS, such property is not needed by said Board for school purposes; and

WHEREAS, said building has become somewhat dilapidated; and

WHEREAS, the Town of West Jefferson desires to take over said building, place it in good repair, put a new roof on it, and install a suitable furnace; and

WHEREAS, said Town desires to maintain and operate said building for community meetings and uses: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Ashe County Board of Education is hereby authorized, in its discretion, to convey to the Town of West Jefferson the property known as the Community Building or site, more particularly described as follows:

"Beginning on a 30-inch locust, located on southwest side of School Street, the Rex Morton and W. J. School Property corner, running with southwest edge of said street, North 48 degrees 41 minutes West 252.0 feet to iron stake; thence leaving said street, South 1 degree 35 minutes East 149.1 feet to iron stake in the Rex Morton line; thence with said line and the said School Property line, South 84 degrees 30 minutes East 186.0 feet to point of beginning, containing 0.31 acre more or less."

Sec. 2. Such conveyance shall contain a provision that the property is to be used for the purposes recited in the preamble to this Act and that, if and when said Town of West Jefferson should cease to maintain and operate said property for proper community purposes, said property shall revert to the Ashe County Board of Education.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 785 CHAPTER 433

AN ACT TO MAKE CHAPTER 85A OF THE GENERAL STATUTES, RELATING TO BAIL BONDSMEN AND RUNNERS, APPLICABLE TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 85A-34, as the same appears in the 1965 Supplement to Volume 2C of the General Statutes, is hereby amended by inserting, in line 3, immediately after the word "Madison", the word "Mecklenburg".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 792 **CHAPTER 434**

AN ACT TO AMEND SECTIONS 105-306 (26), 105-308, 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE TAX SUPERVISOR AND BOARD OF COMMISSIONERS OF YANCEY COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN YANCEY COUNTY AND AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Tax Supervisor and Board of Commissioners for the County of Yancey are hereby authorized and empowered to prescribe regulations of the type and form of oath or declaration and the manner of administering the same to persons, firms and corporations listing property for taxation in Yancey County and to prescribe regulations relating to the listing of property for taxation by agents and tax lists submitted by mail.

Sec. 2. Authority is hereby granted to the Tax Supervisor and Board of Commissioners for the County of Yancey to divide or combine townships in Yancey County for tax listing purposes. The Tax Supervisor of Yancey County, with the approval of the Board of Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 3. The provisions of G. S. 105-306 (26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Yancey County except insofar as they are inconsistent with regulations of the Tax Supervisor and Board of Commissioners of Yancey County relating to the oath of the taxpayers, listing of taxes by agents and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Yancey County. If the Tax Supervisor and Board of Commissioners of Yancey County have adopted regulations relating to any matter covered by this Act, the listing in Yancey County must be in accordance with the General Statutes as amended by such regulations and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Tax Supervisor and Board of Commissioners of Yancey County.

Sec. 5. This Act shall apply only to Yancey County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 806

CHAPTER 435

AN ACT RELATING TO TEMPORARY COURTHOUSE QUARTERS FOR WATAUGA COUNTY PENDING THE CONSTRUCTION OF A NEW COURTHOUSE, AND TO A SITE FOR THE NEW COURTHOUSE.

WHEREAS, the Board of County Commissioners of Watauga County proposes to construct a new courthouse and jail; and

WHEREAS, it will be necessary to demolish the existing courthouse in order to build the new courthouse; and

WHEREAS, this will necessitate securing temporary quarters for courthouse purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Watauga County is hereby authorized to secure by lease or otherwise and provide necessary temporary space for courthouse purposes and jail purposes pending the demolition of the present courthouse and the construction of a new courthouse and jail. Such quarters so provided may be designated by said Board of Commissioners as the Watauga County Courthouse and the Watauga County Jail, respectively, and the said board shall cause a bulletin board to be placed in a lobby or room in such temporary courthouse quarters and to designate the same as the Watauga County Courthouse bulletin board. Wherever any statute or court order permits or requires that any legal notice, document, map or other paper or process posted at the courthouse door or on the courthouse bulletin board, it shall be deemed a full compliance with the law to post the same on the temporary courthouse bulletin board hereinabove provided for. Whenever any sale is required to be held at the courthouse or courthouse door or courthouse steps, it shall be deemed a full compliance with the law to perform such act at such door of or other place in the temporary court house quarters or the building where the courthouse quarters are located, as the Board of County Commissioners shall designate. It shall be lawful to hold in courtrooms provided in same temporary courthouse quarters all sessions of court and any and all other hearings which are required to be held at the county courthouse. Such temporary courthouse quarters as the Board of County Commissioners may designate shall, for all purposes of law, constitute the Watauga County Courthouse. The quarters so designated are not required to be located in a single building but may be located in one or more buildings.

Sec. 2. The powers herein granted shall continue in full force until the new courthouse is constructed, accepted by the county, and occupied by the various county officials, offices and agencies.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 819 **CHAPTER 436**

AN ACT TO AMEND CHAPTER 801 OF THE SESSION LAWS OF 1961 RELATING TO APPROPRIATIONS TO THE INDUSTRIAL-AGRICULTURAL DEVELOPMENT COMMISSION OF LENOIR COUNTY SO AS TO ELIMINATE RESTRICTIONS AS TO MAXIMUM APPROPRIATIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 801 of the Session Laws of 1961 is hereby amended by striking out the words and figures "not to exceed thirty thousand dollars ($30,000.00)" in line 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 825 **CHAPTER 437**

AN ACT AMENDING CHAPTER 938, SESSION LAWS OF 1963, ENTITLED "AN ACT TO REVISE AND MODIFY THE CHARTER OF THE CITY OF ROCKY MOUNT", RELATING TO COMPOSITION OF THE ROCKY MOUNT PLANNING BOARD AND BOARD OF ADJUSTMENT.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Rocky Mount, being Section 1 of Chapter 938 of the Session Laws of 1963, as amended, is hereby further amended as follows:

(a) By deleting Section 301(b) thereof in its entirety and inserting in lieu thereof the following:

"(b) There is hereby created the Rocky Mount Planning Board which shall consist of 10 members. Five of said members shall be citizens and residents of the City of Rocky Mount and appointed by the City Council of the City of Rocky Mount; five of said members shall be citizens and residents of the territory beyond the corporate limits of the City of Rocky Mount and within one mile thereof, in Nash or Edgecombe County with membership apportioned between Nash and Edgecombe Counties as provided by ordinance adopted by the City Council of the City of Rocky Mount with approval of the Board of Commissioners of Nash and Edgecombe Counties. All members from the territory beyond the corporate limits of the City of Rocky Mount shall be appointed by the Board of County Commissioners of the respective county in which they reside and shall have the same powers and duties as the other members of the Rocky Mount Planning Board, and the laws, ordinances, rules and regulations applicable to the members of the Rocky Mount Planning Board shall be applicable to said member."

(b) By deleting Section 302 thereof, entitled "Board of Adjustment" and inserting in lieu thereof the following:

"Sec. 302. There is hereby created the Rocky Mount Board of Adjustment which shall consist of 10 members; five of said members shall be citizens and residents of the City of Rocky Mount and appointed by the City Council of the City of Rocky Mount; five of said members shall be citizens and residents of the territory beyond the corporate limits of the city and within one mile thereof in Nash or Edgecombe County with membership apportioned between Nash and Edgecombe Counties as provided by ordinance adopted by the City Council of the City of Rocky Mount with approval of the Boards of Commissioners of Nash and Edgecombe Counties. All members from the territory beyond the corporate limits of the City of Rocky Mount shall be appointed by the Board of County Commissioners of the respective county in which they reside and shall have the same powers and duties as the other members of the Rocky Mount Board of Adjustment, and the laws, ordinances, rules and regulations applicable to the members of the Rocky Mount Board of Adjustment shall be applicable to said members. The Board of Adjustment shall appoint such attorney or attorneys to advise it as appears necessary, except, however, that such attorney or attorneys shall not be the same person or persons as are the City Attorneys."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 858 CHAPTER 438

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY TO EXPEND FUNDS FOR POLICE PROTECTION ALONG THE SHORES OF LAKE NORMAN AND FOR OTHER PURPOSES.

WHEREAS, Catawba Springs Township in Lincoln County has approximately 25 miles of shore on Lake Norman; and

WHEREAS, there are numerous homes in said Township fronting on Lake Norman which are often unoccupied and unprotected, especially during the winter months; and

WHEREAS, the County Commissioners of Lincoln County desire to increase the police protection afforded the owners of property in Catawba Springs Township fronting on Lake Norman and the other property owners of said Township; and

WHEREAS, the Constable of Catawba Springs Township has heretofore cooperated with the officials of Lincoln County in patroling the shores of Lake Norman and in traffic control at the Rock Springs School in Catawba Springs Township, for which services said constable has heretofore received no compensation; and

WHEREAS, the Commissioners of Lincoln County wish to insure the providing of additional police protection for property owners in Catawba Springs Township and the proper control of traffic at Rock Springs School: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Lincoln County are hereby authorized to appropriate out of the General Fund of the County, for the fiscal year beginning July 1, 1967, and for each fiscal year thereafter, a sum, not to exceed three thousand dollars ($3,000.00) in any fiscal year, to be used to provide police protection and traffic control in Catawba Springs Township. Said Commissioners are authorized to use said sums in providing compensation and uniforms for the constable of Catawba Springs Township.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 869 CHAPTER 439

AN ACT TO MAKE G. S. 153-6 APPLICABLE TO WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6, as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes is hereby amended by inserting in the tenth line thereof, immediately after "Transylvania" the following: ", Watauga".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. B. 897 CHAPTER 440

AN ACT TO AMEND SECTION 3 OF THE CHARTER OF THE CITY OF DURHAM, BEING CHAPTER 142, PRIVATE LAWS 1921, AS AMENDED FROM TIME TO TIME, IN REFERENCE TO DIVISION OF THE CITY OF DURHAM INTO WARDS AND VOTING PRECINCTS.

The General Assembly of North Carolina do enact:

Section 1. That each of the six wards of the City of Durham, as hereinafter redefined and rearranged, contain approximately equal population.

Sec. 2. That so much of Section 3 of the Charter of the City of Durham, being Chapter 142, Private Laws 1921, as amended from time to time, as divides the City of Durham into six wards, is hereby amended and rewritten to hereafter read as follows:

"Sec. 3. Division into wards and voting precincts. The territory comprised within the corporate limits of the City of Durham is hereby laid off into six wards as follows:

"Ward Number One: Ward Number One shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit:

BEGINNING at the intersection of the center line of Duke Street with the center line of the North Carolina Railroad and running thence along and with the center line of Duke Street in a northerly direction to the center line of Duke Homestead Road; and thence in a northeastwardly direction from that point to the center line of Denfield Street; thence along the center line of Denfield Street in a northeastwardly direction to the present city limits line; thence along the present city limits line in a northerly direction to the northern city limits line; thence along and with the northern city limits line in a westwardly and southerly direction to a point; thence continuing along the northern city limits line in a westwardly direction to a point in the western city limits line; thence along and with the western city limits line in a southerly direction to a point North of Kirkwood Drive at which the city limits line turns westwardly, and thence from said point in a southeastwardly direction to the center line of Guess Road; thence along and with the center line of Guess Road in a southerly direction to U. S. Highways 15-501-70; thence southeastwardly to a point in the intersection of the center line of Sovereign Street with the center line of Carolina Street; thence along and with the center line of Carolina Street in a southerly direction to the center line of Hillsborough Road; thence westwardly along the center line of Hillsborough Road to its intersection with the center line of Bolton Street; thence along the center line of Bolton Street projected in a straight line in a southerly direction to the center line of the North Carolina Railroad; thence along and with the center line of the North Carolina Railroad in an eastwardly and southeastwardly direction to the center line of Duke Street, the point of BEGINNING.

"Ward Number Two: Ward Number Two shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit: BEGINNING at the point of intersection of the center line of Duke Street with the center line of North Carolina Railroad and running thence along the center line of the North Carolina Railroad in an eastwardly and southeastwardly direction to a point at the intersection of North Carolina Railroad and Norfolk and Western Railroad right of way; thence in a northwardly direction along the center line of the Norfolk and Western Railroad right of way to the center line of U. S. Highways 70-15; thence along the center line of U. S. Highways 70-15 in an easterly direction to the center line of U. S. Highway 15; thence along the center line of U. S. Highway 15 in a northeasterly direction to the eastern city limits line; thence along and with the eastern, northeastern and northern boundary line of the city limits to a point at the intersection of the city limits line with the center line of Denfield Street; thence along and with the center line of Denfield Street in a southwestwardly direction to the center line of Roxboro Street; thence continuing in a southwestwardly direction in a straight line to the center line of Duke Homestead Road and Duke Street; thence along and with the center line of Duke Street in a southerly direction to the center line of the North Carolina Railroad, the point of BEGINNING.

"Ward Number Three: Ward Number Three shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit: BEGINNING at the intersection of the center line of Mangum Street with the center line of the North Carolina Railroad and running thence along the center line of Mangum Street in a southerly direction to the center line of Hillside Avenue; thence along the center line of Hillside Avenue westwardly to the center line of South Street; thence southwardly along the center line of South Street to the center line of Roxboro Street; thence southwestwardly and southwardly along the center line of Roxboro Street to the center line of North Oakridge Boulevard; thence southwardly to the southern boundary of the city limits line; thence along and with the southern boundary of the city limits line to a point in the eastern boundary of the city limits line; thence continuing with the city limits line in a northwardly, eastwardly, westwardly and northwardly direction to the city limits line lying South of Cecil Street; thence continuing along the city limits line in an eastwardly and northeastwardly direction to the center line of the North Carolina Railroad; thence westwardly along the center line of the North Carolina Railroad to its intersection with the center line of Mangum Street, the point of BEGINNING.

"Ward Number Four: Ward Number Four shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit: BEGINNING at the intersection of the center line of the North Carolina Railroad and the center line of Mangum Street and running thence westwardly along the center line of the North Carolina Railroad to its intersection with the center line of Buchanan Boulevard; thence along the center line of Buchanan Boulevard in a southerly direction to the center line of Chapel Hill Street; thence along the center line of Chapel Hill Street in a westerly direction to the center line of Kent Street; thence along the center line of Kent Street in a southerly direction to the center line of Morehead Avenue; thence along the center line of Morehead Avenue in a westwardly direction to the center line of Anderson Street; thence along the center line of Anderson Street in a southerly direction to the center line of Chapel Hill Road; thence along the center line of Chapel Hill Road in a southerly direction to its intersection with the center line of University Drive and Dixon Road; thence along the center line of Chapel Hill Road westwardly, southerly and westwardly to the western city limits boundary line where it intersects with the center line of Chapel Hill Road; thence following the western city limits line in a general southerly direction to its terminus South of N. C. Highway 54; thence continuing along and with the city limits boundary line in a general northeasterly direction as it meanders to a point southwest of the point at which Roxboro Street intersects with North Oakridge Boulevard; thence in a northerly direction to the point of intersection of the center line of North Oakridge Boulevard with the center line of Roxboro Street; thence along the center line of Roxboro Street in a northerly direction to the point of its intersection with the center line of South Street; thence northerly along the center line of South Street to its intersection with the center line of Hillside Avenue; thence along the center line of Hillside Avenue in an easterly direction to its intersection

with the center line of Mangum Street; thence along the center line of Mangum Street in a northerly direction to its intersection with the center line of the North Carolina Railroad, the point of BEGINNING.

"Ward Number Five; Ward Number Five shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit: BEGINNING at the intersection of the center line of North Carolina Railroad with the center line of Buchanan Boulevard and running in a westerly direction along the center line of North Carolina Railroad to the center line of Bolton Street; thence in a northeastwardly direction to and along the center line of Bolton Street to its intersection with the center line of Hillsborough Road; thence along the center line of Hillsborough Road in an easterly direction to its intersection with the center line of Carolina Street; thence along the center line of Carolina Street in a northerly direction to the center line of Sovereign Street; thence in a northwestwardly direction in a straight line to the intersection of the center line of Guess Road with the center line of the northern ramp of U. S. Highways 15-501 and 70 (I-85); thence along and with the center line of Guess Road in a northerly direction to its intersection with the center line of Kirkwood Drive; thence in a northwestwardly direction in a straight line to the point at which the city limits line forms a right angle; thence along and with the city limits line as it meanders in a westwardly, southerly and southwestwardly direction to a point North and West of Chapel Hill Road; thence along the city limits line in a southwestwardly direction to a point to the West of Winding Way; thence following the city limits line in a southeasterly direction to its intersection with the center line of Chapel Hill Road; thence along the center line of Chapel Hill Road in an easterly and northerly direction to its intersection with the center line of University Drive and the center line of Dixon Road; thence continuing along the center line of Chapel Hill Road in a northeasterly direction to its intersection with the center line of Anderson Street; thence along the center line of Anderson Street in a northerly direction to its intersection with the center line of Morehead Avenue; thence along the center line of Morehead Avenue in an easterly direction to its intersection with the center line of Kent Street; thence along the center line of Kent Street in a northerly direction to its intersection with the center line of Chapel Hill Street; thence along the center line of Chapel Hill Street in an easterly direction to its intersection with the center line of Buchanan Boulevard; thence along the center line of Buchanan Boulevard in a northerly direction to its intersection with the center line of the North Carolina Railroad, the point of BEGINNING.

"Ward Number Six: Ward Number Six shall be comprised of that territory lying in that section of the City of Durham bounded as follows, to wit: BEGINNING at a point in the center line of North Carolina Railroad at its intersection with the center line of the right of way of Norfolk and Western Railroad lying East of Fayetteville and Rowland Streets; thence along the center line of the Norfolk and Western Railroad right of way in a northerly direction to the center line of U. S. Highways 70-15; thence along the center line of U. S. Highways 70-15 in an easterly direction to the center line of U. S. Highway 15; thence along the center line of U. S. Highway 15 in a northeasterly direction to the eastern city

limits line; thence along and with the meandering of the eastern city limits boundary line in a general eastwardly and southerly direction to the city limits boundary line which is 50 feet North of the center line of the main line track of the North Carolina Railroad; thence along and with the city limits boundary line in the right of way of the North Carolina Railroad in a general westwardly and northwestwardly direction to the intersection of the center line of the North Carolina Railroad and Norfolk and Western Railroad, the point of BEGINNING."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

S. B. 139 CHAPTER 441

AN ACT TO PROHIBIT THE USE OF RIFLES FOR DEER HUNTING IN CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to hunt, take, kill, or attempt to take or attempt to kill deer in Camden County with a rifle; provided, that it shall be lawful to hunt, take, kill or attempt to take or attempt to kill deer with a rifle from a stand at least eight feet high, or while hunting on one's own land or while hunting on land owned or leased by a hunt club of which the hunter is a member, or while hunting on land with the permission of the owner.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

S. B. 279 CHAPTER 442

AN ACT TO AUTHORIZE THE STATE REGISTRAR OF THE OFFICE OF VITAL STATISTICS TO PREPARE A NEW BIRTH CERTIFICATE FOR AN ADOPTED CHILD WHICH SHALL CONTAIN THE FULL NAME, AGE, (AT TIME OF CHILD'S BIRTH), RACE AND BIRTHPLACE OF THE DECEASED HUSBAND OF THE ADOPTIVE MOTHER OF SAID CHILD.

WHEREAS, two residents (husband and wife), of Guilford County, North Carolina, pursuant to the terms of a written placement agreement entered into with the Childrens Home Society of North Carolina, Inc., received into their home, in 1964, an infant child, a ward of the said Childrens Home Society of North Carolina, Inc., with the intention of adopting said child; and

WHEREAS, the said child thereafter resided continuously in the home of the said proposed adoptive parents and was treated in all

respects as if it were their own child and was given the care and affection of parents; and

WHEREAS, prior to the filing of a Petition for Adoption of said child, the proposed adoptive father died unexpectedly as the result of a heart attack in January of 1965; and

WHEREAS, the surviving spouse of the proposed adoptive father, by and with the consent of the Childrens Home Society of North Carolina, Inc., on the 2nd day of March, 1965, instituted adoption proceedings in the Superior Court of Guilford County, North Carolina, and in said proceeding requested a change in the name of said child so as to give to said child the surname of the deceased proposed adoptive father; and

WHEREAS, a final order for adoption was entered in the said Superior Court on the 25th day of May, 1965, establishing the relationship of parent and child between said child and the aforesaid surviving spouse (mother) and further providing that the child's name should thereafter be as requested in the Petition for Adoption, and ordering the State Registrar of Vital Statistics to issue a new birth certificate for said child in accordance with the provisions of Section 48-29 of the General Statutes of North Carolina; and

WHEREAS, pursuant to the provisions of Section 48-29 of the said General Statutes the State Registrar did issue a new Certificate of Live Birth for said child, which certificate is recorded in Volume 64, Page 030766, Office of Vital Statistics, Raleigh, North Carolina; and

WHEREAS, the aforesaid new Certificate of Live Birth for said child does not show thereon the name, age, (at time of child's birth), race or birthplace of the deceased proposed adoptive father of said child, and the Attorney General of the State of North Carolina has rendered an opinion that where a proposed adoptive father dies before an interlocutory decree is entered in an adoption proceeding, the Office of Vital Statistics is without authority to show the name of the said deceased proposed adoptive father on the new birth certificate, notwithstanding that the surviving spouse of the proposed adoptive parents becomes the adoptive parent of the child; and

WHEREAS, the adoptive parent (mother) of said child desires to have shown on the new Certificate of Live Birth of said child the name, age, (at time of child's birth), race and birthplace of her deceased husband as the adoptive father of said child in order that full parentage may be shown on the child's birth certificate: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State Registrar of the Office of Vital Statistics is hereby empowered and directed to amend the Certificate of Live Birth recorded in Volume 64, Page 030766, Office of Vital Statistics, Raleigh, N. C. which amended birth certificate shall contain, in addition to the information already shown thereon, under the heading "father" on said certificate, the name, age, (at time of child's birth), race and birthplace of the deceased spouse of the adoptive parent (mother) of said child. This Section shall not be construed to entitle the child named in said birth certificate to inherit real and personal property by, through, and from the individual named as father on said amended birth certificate.

Sec. 2. This Act shall be in full force and effect from and after it is ratified.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 197 CHAPTER 443

AN ACT TO AMEND G. S. 161-22 SO AS TO AUTHORIZE INDEXING DEEDS OF TRUST IN NAME OF GRANTOR AND TRUSTEE ONLY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 161-22 be amended by adding a new paragraph at the end thereof to read as follows:

"Notwithstanding any provision to the contrary in this Section or elsewhere in the General Statutes of North Carolina, the register of deeds may index deeds of trust in the name of the grantor and the trustee only."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 364 CHAPTER 444

AN ACT TO AMEND G. S. 113-152 AND G. S. 113-154, SO AS TO EXEMPT FROM LICENSING REQUIREMENTS OF PERSONS AND VESSELS TAKING OYSTERS AND CLAMS FOR THEIR PERSONAL USE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-152 (a), as the same appears in the 1966 Replacement Volume 3A of the General Statutes is amended by adding a new paragraph to the end of that Section as follows:

"Nothing contained in this Section shall require the licensing of any vessel used solely for clamming or oystering by a person not required to have a clam and oyster license under the provisions of G. S. 113-154. Spears or gigs shall not be deemed commercial fishing equipment unless used in an operation the purpose of which is the taking of fish for commercial purposes."

Sec. 2. G. S. 113-152 as the same appears in the 1966 Replacement Volume 3A of the General Statutes is amended by adding a new subsection at the end thereof to read as follows:

"(f) No persons exempt from the Oyster and Clam Licenses under the provisions of this Section may take more than one bushel of oysters and clams in the aggregate on any one day."

Sec. 3. G. S. 113-154 (b) as the same appears in the 1966 Replacement Volume 3A of the General Statutes is amended by adding the words "for commercial use" after the word "clams" and before the word "from" in line 1 of said subsection.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 390 CHAPTER 445

AN ACT TO AMEND G. S. 20-166(b) (HIT AND RUN—PROPERTY DAMAGE ONLY) TO CLARIFY THE PROVISIONS FOR PUNISHMENT CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 20-166, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "imprisoned" in line 12 thereof the words "for a period of not more than two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 391 CHAPTER 446

AN ACT TO AMEND G. S. 20-141.3(c) (OWNER PERMITTING USE OF VEHICLE IN UNLAWFUL RACING) TO CLARIFY THE PROVISIONS FOR PUNISHMENT CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-141.3, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "imprisonment" appearing in lines 7 and 8 thereof the words "not to exceed two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 392 CHAPTER 447

AN ACT TO AMEND G. S. 20-28 (DRIVING WHILE LICENSE REVOKED OR SUSPENDED) TO CLARIFY THE PROVISIONS FOR PUNISHMENT CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-28, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "court" in line three of paragraph three thereof the words "not to exceed two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 393 CHAPTER 448

AN ACT TO AMEND G. S. 20-141.1 (SPEEDING IN SCHOOL ZONE) TO CLARIFY THE PROVISIONS FOR PUNISHMENT THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-141.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "imprisonment" in line 14 thereof the words "not to exceed two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 395 CHAPTER 449

AN ACT TO AMEND G. S. 20-109 (DESTROYING, ALTERING VEHICLE IDENTIFICATION NUMBERS) TO CLARIFY THE PROVISIONS FOR PUNISHMENT CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-109, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting immediately after the word "imprisonment" in line 11 thereof the words "not to exceed two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 406 CHAPTER 450

AN ACT TO PROVIDE FOR MUTUAL AID BETWEEN MUNICIPALITIES IN RESTORING UTILITY SERVICES IN EVENT OF EMERGENCIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Section to be designated as Section 160-257.1 and to read as follows:

"Section 160-257.1. Mutual Aid Contracts. (a) The governing bodies of any two or more municipalities may enter into contracts with each other to provide mutual aid and assistance in restoring electric, water, sewerage, or gas services in the event of natural disasters or other emergencies under such terms and conditions as may be agreed upon.

Such contracts may include provisions for the furnishing of personnel, equipment, apparatus, supplies, and materials; for reimbursement of the aiding municipality or municipalities for services rendered in giving such aid; for reimbursement or indemnification of the aiding municipality or municipalities for loss or damages incurred by reason of giving such aid; for delegation to a designated official or employee of the authority to send aid upon request; and any other provisions not inconsistent with law.

"(b) Officials and employees furnished by one municipality in aid of another municipality pursuant to any contract entered under authority of this Section shall be conclusively deemed for all purposes to remain officials or employees of the aiding municipality, and while providing aid to another municipality, and while traveling to and from such other municipality pursuant to giving such aid, such officials and employees shall have all rights, privileges, and immunities, including coverage under the North Carolina Workmen's Compensation Act, which are afforded them while performing their normal duties.

"(c) Notwithstanding G. S. 160-59 or any other general, local, or special act, any municipality may, pursuant to a contract entered under authority of this Section, sell or otherwise convey to another municipality any personal property to be used in restoring utility services pursuant to such contract, without any declaration that such property is surplus.

"(d) Nothing in this Section shall be construed so as to deprive the governing body of any municipality of its discretion in sending or declining to send its personnel, equipment, and apparatus to another municipality under any circumstances, whether or not obligated by contract to do so. In no case shall a municipality or any of its officials or employees be held liable in damages for declining to send personnel, equipment, or apparatus to another municipality, whether or not obligated by contract to do so."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 418 CHAPTER 451

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 90 OF THE GENERAL STATUTES RELATING TO THE PRACTICE OF DENTISTRY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-41, as the same appears in the Supplement to the 1965 Replacement Volume 2C, is amended by deleting the last three paragraphs thereof.

Sec. 2. Article 2 of Chapter 90 of the General Statutes is amended by adding a new Section thereto immediately following G. S. 90-41, as hereinabove amended, and preceding G. S. 90-42, to be designated G. S. 90-41.1 and to read as follows:

"G. S. 90-41.1. Opportunity for Licensee or Applicant to Have Hearing. Every licensee or applicant for a license to practice dentistry, except applicants for license by comity and applicants for reinstatement after revo-

cation, shall be afforded notice and an opportunity to be heard before the North Carolina State Board of Dental Examiners shall have authority to take any action, the effect of which would be:

(1) To deny permission to take an examination for licensing for which application has been duly made; or
(2) To deny a license after examination for any cause other than failure to pass an examination; or
(3) To withhold the renewal of a license for any cause other than failure to pay a statutory renewal fee; or
(4) To suspend a license; or
(5) To revoke a license,

such proceedings to be conducted in accordance with the provisions of Chapter 150 of the General Statutes of North Carolina."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 419 CHAPTER 452

AN ACT TO AMEND G. S. 150-9 SO AS TO MAKE THE UNIFORM REVOCATION OF LICENSES ACT APPLICABLE TO THE STATE BOARD OF DENTAL EXAMINERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 150-9, as the same appears in the 1964 Replacement Volume 3C, is amended by adding the words and punctuation "the North Carolina State Board of Dental Examiners," following the comma and preceding the word "and" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 423 CHAPTER 453

AN ACT TO AMEND ARTICLE 4A OF CHAPTER 66 RELATING TO SAFETY FEATURES OF HOT WATER HEATERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-27.1 is hereby amended by inserting in the sixth line immediately following the word "valve" and immediately before the word "and" and eliminating the comma after the word "valve" the following: "set at or below the safe working pressure of the tank as indicated,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 433 **CHAPTER 454**

AN ACT TO AMEND CHAPTER 151, SESSION LAWS OF 1961, AS AMENDED BY CHAPTER 232, SESSION LAWS OF 1965, SO AS TO APPOINT TRUSTEES OF TRYON CITY'S ADMINISTRATIVE SCHOOL UNIT IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 151, Session Laws of 1961, is hereby amended by rewriting the first sentence thereof to read as follows:

"W. L. Hague, John W. Cowan, Tom Mize, Ralph Lawrence and Russell Constance are hereby appointed Trustees of the Tyron City Administrative School Unit for terms of two years each beginning on the first Monday in April, 1967 and ending on the first Monday in April, 1969, or until their successors are appointed and qualified, and said Trustees shall take the oath of office before entering upon the duties of their office."

Sec. 2. Section 1 of Chapter 151, Session Laws of 1961, is further amended by deleting in lines 13, 14, and 15 the following words:

"The persons herein appointed Trustees of said school unit must qualify by taking the oath of office on or before the second Monday in May, 1961."

Sec. 3. Sections 1 and 2 of Chapter 232, Session Laws of 1965, are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 475 **CHAPTER 455**

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other Acts of this or any previous Session of the General Assembly, the Board of Education of Guilford County shall be composed of five members and is hereby constituted, effective on or about the first Monday in April, 1967, as follows: William H. Barton, Mrs. Edward Burke, and Mrs. O. Arthur Kirkman for terms expiring on or about the first Saturday in April, 1969 and Howard E. Carr and Zack L. Whitaker for terms expiring on or about the first Saturday in April, 1971. Upon expiration of the terms of office, as specified, their successors to membership on the Board of Education of Guilford County shall be elected as hereinafter provided.

Sec. 2. Beginning with the primary to be held in Guilford County in 1968, and biennially thereafter, forthcoming vacancies on the Board of Education due to expiration of terms shall be filled in a nonpartisan election to be held at the same time as the regular primary election. Any registered voter residing in Guilford County shall be eligible, upon payment of a filing fee of five dollars ($5.00), to file with the County Board

of Elections, within the time required by law for county officers to file in primaries, as a candidate for membership on the board without declaring his political affiliation. A separate ballot entitled "School Board" shall be used in the election and all qualified voters residing in Guilford County shall be eligible to vote in said election. Those candidates receiving the highest number of votes cast shall be declared elected for four-year terms and there shall be no second primary. Persons so elected in the primary shall qualify for membership on the Board of Education by taking the oath of office on or about the first Saturday in April next succeeding their election.

Sec. 3. In the event of any vacancy on the Board of Education of Guilford County because of death, resignation, change of residence, removal, or similar cause, said vacancy shall be filled within 30 days by appointment by the remaining members of the board for the unexpired term. In the event a vacancy shall be created after a member has been elected but before he has qualified, said vacancy shall be filled for the elected term by the members of the Board of Education with whom the member causing the vacancy would have served. Vacancies not filled within the required 30 days shall be filled by appointment by the State Board of Education.

Sec. 4. The Guilford County Board of Education as herein named and thereafter elected and constituted shall in all other respects be governed by the procedures, powers, and duties of Boards of Education as set forth in Chapter 115 of the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 496 CHAPTER 456

AN ACT TO PROHIBIT THE WITHHOLDING OF CERTAIN INFORMATION NECESSARY FOR SERVICE OF SUBPOENA UPON LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 1-589, and immediately preceding G. S. 1-590, to be numbered G. S. 1-589.1, and to read as follows:

"§ 1-589.1. When service of subpoena, or any other court process, is sought upon any law enforcement officer of the State or of any political subdivision thereof pursuant to the provisions of G. S. 1-589, or of any other statute, it shall be unlawful for any officer or employee of the agency by whom the officer sought to be served is employed willfully to withhold the address or telephone number of the officer sought to be served with subpoena or other process."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 535 CHAPTER 457

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF EDUCATION OF WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Wilkes County is hereby authorized, in its discretion, to fix the salary of the chairman of the board in an amount not to exceed seventy-five dollars ($75.00) per month, and to pay the chairman a travel and expense allowance not to exceed fifty dollars ($50.00) per month for necessary travel and expenses incurred in the performance of his official duties in Wilkes County. The Board of Education of Wilkes County may, and is hereby authorized, in its discretion and in addition to the above compensation, reimburse the chairman of the board of education for necessary travel and expenses incurred in the performance of his official duties outside the county.

Sec. 2. The Board of Education of Wilkes County is hereby authorized, in its discretion, to fix the salary of the members of the board of education in an amount not to exceed seventy-five dollars ($75.00) per month for each member, and to reimburse each member for the necessary travel and expenses incurred in the performance of official duties outside Wilkes County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 572 CHAPTER 458

AN ACT TO REPEAL CHAPTER 587 OF THE SESSION LAWS OF 1965.

WHEREAS, Chapter 587 of the Session Laws of 1965, was enacted by the General Assembly and said Act stated that School District Committee No. 3 of the Beaufort County School Administrative Unit of Beaufort County should consist of seven members; and

WHEREAS, the General Assembly at its 1965 Session enacted general public school legislation which permitted county boards of education to organize the public schools of their administrative units on a basis of one district, or to appoint advisory councils for districts if they desire to do so, and the Beaufort County Board of Education now wishes to organize on a one district basis: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Chapter 587 of the Session Laws of 1965, be, and the same is hereby, repealed.

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Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 583 CHAPTER 459

AN ACT TO MAKE CHAPTER 152A OF THE GENERAL STATUTES, PROVIDING FOR A COUNTY MEDICAL EXAMINER, APPLICABLE TO BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152A-12 is hereby amended by inserting Buncombe County in the list of counties to which Chapter 152A of the General Statutes applies, so that the said Chapter becomes applicable to Buncombe County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 613 CHAPTER 460

AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO LEASE CERTAIN DESCRIBED SCHOOL PROPERTIES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Dare County shall be authorized to lease for educational and recreational purposes the old Manteo Elementary School Gymnasium to the Lions Club for a period not to exceed five years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 614 CHAPTER 461

AN ACT TO AUTHORIZE THE DARE COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN SCHOOL PROPERTIES FOR EDUCATIONAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Dare County shall be authorized to convey for educational purposes the present Roanoke School properties and the Old Main Classroom Building at Manteo Elementary School.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 631 CHAPTER 462

AN ACT TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO ADOPT REGULATIONS RELATING TO THE PROTECTION OF COUNTY WATER AND SEWERAGE SYSTEMS.

The General Assembly of North Carolina do enact:

Section 1. That there be added to Article 24 of Chapter 153 of the General Statutes of North Carolina a new Section to be numbered Section 153-286.1 and to read as follows:

"§153-286.1. Regulations Relating to the Operation and Protection of County Water and Sewerage Systems. The board of county commissioners of any county is hereby authorized to adopt rules and regulations governing the use of any county water or sewerage system, and providing protection for said water or sewerage system against improper use, damage, or vandalism. A violation of any said regulations shall constitute a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or imprisonment not to exceed thirty days. In addition, any person, firm or corporation violating said regulations shall be liable to reimburse the county for any damages resulting from such violation."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 666 CHAPTER 463

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Cleveland County shall consist of five members to be nominated and elected by the qualified voters of the entire county, for staggered terms of four years as herein provided.

Sec. 2. In the primary and general election to be held for county officers in 1968, there shall be nominated and elected five members of the Cleveland County Board of Education. In the general election of 1968, the three candidates receiving the highest number of votes shall be elected for a term of four years and the two candidates receiving the next highest number of votes shall be elected for a term of two years. In 1970 and biennially thereafter, there shall be nominated and elected members of the County Board of Education to take the place of the members whose terms next expire, and the persons so elected shall serve for terms of four years.

Sec. 3. The primary and general elections provided for herein shall be held and conducted at the same time and under the same laws and regulations pertaining to the nomination and election of county officers as provided in Chapter 163 of the General Statutes except as otherwise provided herein. If the number of candidates of a political party, filing notice of candidacy, is less or equal to the number of offices to be filled, then such candidates shall be declared the nominees for such political party and no primary election shall be held for such candidates or party, and such nominees' names shall appear on the general election ballot.

Sec. 4. Any vacancy occurring on the Board of Education of Cleveland County, for any reason, shall for the remainder of the unexpired term be filled by the county executive committee of the political party to which the member causing the vacancy belongs.

Sec. 5. The Cleveland County Board of Education shall hold its organizational meeting on the first Monday in December, 1968, and biennially thereafter, and shall elect a chairman and such other officers as it deems necessary.

Sec. 6. Members of the Board of Education elected in 1968, and thereafter, shall qualify by taking the oath of office on the first Monday in December of the year in which elected, at which time their term of office shall begin.

Sec. 7. The term of office of the present members of the Cleveland County Board of Education, all of which expire in April 1969, shall continue until the first Monday in December 1968, at which time their terms shall terminate.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 673 CHAPTER 464

AN ACT TO AUTHORIZE COUNTIES TO EXPEND NONTAX FUNDS TO ASSIST IN THE OPERATION AND MAINTENANCE OF ORTHOPEDIC HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners of each county of the State is hereby authorized, in its discretion, to appropriate and expend from nontax revenues such amounts as in its discretion it may be deemed wise and expedient by way of making a donation to any orthopedic hospital, whether publicly or privately owned, and whether located within the borders of such county or not, to assist in providing better and more adequate orthopedic hospital facilities and treatment when and if, in the opinion of said board, such donation would involve the orthopedic care which would be available to the residents of such county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 675 CHAPTER 465

AN ACT TO AMEND CHAPTER 130, SESSION LAWS OF 1967, BY APPOINTING WILLIAM BRANTLEY TWIFORD TO THE DARE COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 130, Session Laws of 1967, entitled "An Act to Appoint Certain Members of the Boards of Education of the Respective Counties of North Carolina and to Fix Their Terms of Office", is hereby amended by appointing to the Dare County Board of Education William Brantley Twiford to fill the unexpired term of Horace B. Hooper, who resigned.

Sec. 2. This Act shall apply only to Dare County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 683 CHAPTER 466

AN ACT TO AMEND ARTICLE 2, CHAPTER 131, OF THE GENERAL STATUTES TO AUTHORIZE THE LEASING OF CERTAIN HOSPITAL FACILITIES TO NON-PROFIT ASSOCIATIONS OR CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-9 is hereby amended by adding thereto the following paragraph:

"The Board of Trustees may, jointly with the governing body of the county, lease any hospital established by the county pursuant to this Article to any nonprofit association or corporation upon such terms and subject to such conditions as will carry out the purposes of this Article. In such event and for the term of such lease, the Board of Trustees shall be dissolved and no further elections to the Board shall be held until the governing body of the county shall so order. The authority to lease may include all or any part of any real, personal, or mixed real and personal property comprising a part of the hospital facility to be leased and including the assignment and transfer of any part of or all money, accounts receivable, stocks and bonds, and any other assets used or held for use by the hospital as a going concern."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 694 **CHAPTER 467**

AN ACT RELATING TO THE SALE BY THE WILKES COUNTY BOARD OF EDUCATION OF CERTAIN SCHOOL PROPERTY KNOWN AS THE CLINGMAN SCHOOL PROPERTY IN THE CLINGMAN COMMUNITY IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All proceedings now pending with respect to the sale, pursuant to G. S. 115-126 or any other applicable laws, by the Wilkes County Board of Education of surplus school property owned by it and known as the Clingman school property located in the Clingman community of Wilkes County are hereby terminated. The Wilkes County Board of Education is hereby authorized, in its discretion, to sell and convey the above described property at private sale at such price, and upon such terms, as it may deem wise and expedient, to any organization of the Clingman community in Wilkes County which may desire to purchase said property for the purpose of operating a community center or community center building for the use of the residents of the community.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 698 **CHAPTER 468**

AN ACT TO REWRITE CHAPTER 849 OF THE SESSION LAWS OF 1963, RELATING TO THE NOMINATION AND APPOINTMENT OF THE MEMBERS OF THE COUNTY BOARD OF EDUCATION OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 849 of the Session Laws of 1963, relating to the nomination and election of the County Board of Education of Brunswick County is hereby rewritten to read as follows:

"Section 1. The Board of Education of Brunswick County shall continue to consist of five members, to be chosen and to serve as hereinafter provided.

"Sec. 2. At the time of the primary election to be held in Brunswick County for State and county officers in the year 1968, and each four years thereafter, there shall be nominated one member of the Board of Education for each of the Waccamaw and Leland school districts; at the time of the primary election to be held in Brunswick County for State and county officers in the year 1970, and every four years thereafter, there shall be nominated one member of the Board of Education for each of the Southport, Bolivia and Shallotte school districts.

"Sec. 3. One candidate shall be nominated from each of the above districts and candidates shall file notice of candidacy with the Board of Elections within the time allowed candidates in the primary, which said notice shall state the district from which said candidate is filing and that

he is a resident and qualified elector in said district and county and the political party affiliation of said candidate. The filing fee shall be ten dollars ($10.00).

"Sec. 4. There shall be provided a separate ballot and said ballot shall be arranged according to the primary laws as set forth in Chapter 163 of the General Statutes, as amended. Candidates from each district shall be voted upon in said primary by the electors of the county at large. If as a result of said primary a candidate from any district does not receive a majority of the votes cast for candidates from any particular district, then the candidate receiving the second highest number of votes cast for candidates from the particular district involved shall be eligible to call for a runoff as provided by the primary laws of the State.

"Sec. 5. The successful candidate receiving the nomination from each district shall be certified by the County Board of Elections to the State Superintendent of Public Instruction for such action as is required under the provisions of G. S. 115-19. The successful candidate from each district so certified and appointed, as required by G. S. 115-19, shall qualify and take the oath of office on the first Monday in April of the year following his nomination and appointment and shall serve for four years or until his successor is nominated, appointed and qualified. The candidates in such primary shall file and stand for nomination in each year a primary is held following the expiration of their terms of office.

"Sec. 6. Any vacancy occurring in the membership of the Board of Education of Brunswick County by death, resignation, change of residence, removal or otherwise, shall be filled by the remaining members of said Board of Education for the remainder of the unexpired term but the person so appointed to fill such vacancy must be from the same district and must affiliate with the same political party as the person whose death, resignation, change of residence, or removal created the vacancy on the said Board of Education. If there is no candidate from any district from which a candidate should be nominated in said primary, then this shall constitute a vacancy on said Board of Education which shall be filled as hereinabove provided."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 709 CHAPTER 469

AN ACT AUTHORIZING THE CLERK OF SUPERIOR COURT OF HARNETT COUNTY TO TRANSFER CERTAIN FUNDS TO THE GENERAL FUND OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Clerk of Superior Court of Harnett County is hereby authorized and directed to pay into the general fund of Harnett County the sum of three thousand twenty-six dollars and forty-eight cents

($3,026.48) now held by said clerk in an "Undistributed Interest Accumulated on Savings Accounts" account.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 710 CHAPTER 470

AN ACT TO AMEND CHAPTER 1073, SESSION LAWS OF 1959, RELATING TO POSSESSION AND SALE OF WEAPONS IN LEE AND HARNETT COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1073, Session Laws of 1959, is hereby amended by deleting the word "Harnett" in line 3, and the word "Lee" in line 4, and by adding at the end of Section 4 the following:

"The provisions of this Act shall not apply to Lee and Harnett Counties, except Section 2 which shall be applicable in said counties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 719 CHAPTER 471

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY, IN THEIR DISCRETION, TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF THE ROWAN PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Rowan County be, and they are hereby, authorized and empowered, in their discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not less than one cent (1¢) and not more than five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, the same when collected to be applied to the upkeep, support, and maintenance of the Rowan Public Library, which said library is operated for the benefit of the public. The appropriations and taxes for the purpose hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose within the meaning of the Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Rowan County.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 729

CHAPTER 472

AN ACT TO AMEND CHAPTER 1035, SESSION LAWS OF 1957 RELATING TO THE OPERATION OF MOTOR VEHICLES, FISHING, SETTING OF NETS AND SEINES IN CERTAIN BEACH AREAS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 1035, Session Laws of 1957, is rewritten in its entirety to read as follows:

"Section 1. Chapter 192, Session Laws of 1947, as amended by Chapter 305, Session Laws of 1951, is hereby amended by adding at the end of Sec. 2. thereof the following sentence:

'The prohibitions contained in this Act shall not apply to the operation of motor vehicles or automotive equipment belonging to and used and operated by commercial fishermen only while and as such fishermen are actually engaged in the fishing or setting of seines from or in the Atlantic Ocean. Provided, however, that commercial fishermen engaged in fishing or setting of nets or seines in the Atlantic Ocean abutting private property shall have the permission of such abutting property owners and provided that nothing in this Act shall be construed to authorize, permit or allow commercial fishermen or any other persons to drive across, enter upon or conduct their fishing operations on any private property other than that owned or leased by them except by permission of the owners in the above described areas.' "

Sec. 2. Sec. 2 of Chapter 1035, Session Laws of 1957 is rewritten in its entirety to read as follows:

"Sec. 2. That Chapter 192, Session Laws of 1947, as amended by Chapter 305, Session Laws of 1951, be and it is hereby amended by adding a Section thereto to be designated as Sec. 2-A as follows:

'Sec. 2-A. That commercial fishermen and all other persons fishing or operating nets and seines on the shore of the Atlantic Ocean in the area above referred to in Dare County shall immediately after making a haul or completing a fishing operation in the said area, before leaving the set, remove from the beach and site of said operation all fish, crabs, skates, dogfish, all waste, residue and all marine life which is caught and brought ashore in the aforesaid sets or seines from the Atlantic Ocean in connection with the said operation and the equipment used in said operation shall likewise be removed from the beach and the site of said operation. Said deposit, fish and marine life, shall be cleaned up, removed and carried away from the site and disposed of in a lawful manner so as not to constitute a nuisance and health hazard to residents and property owners. The said fish, residue, waste and marine life shall not be thrown back or deposited in the ocean.' "

Sec. 3. This Act shall not be construed as repealing Chapter 503 of the 1959 Session Laws.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 744 CHAPTER 473

AN ACT TO MAKE ARTICLE 24A OF CHAPTER 153 OF THE GENERAL STATUTES RELATING TO ASSESSMENTS FOR WATER AND SEWERAGE FACILITIES APPLICABLE TO NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-294.19, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is hereby amended by deleting the word "Northampton" from line 7 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 757 CHAPTER 474

AN ACT TO PROHIBIT PARKING OR LEAVING MOTOR VEHICLES UNATTENDED ON ANY STATE HIGHWAY ON BOGUE BANKS IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to leave any motor vehicle parked and unattended on or over any paved portion of any State highway on Bogue Banks in Carteret County. Any motor vehicle parked and left unattended shall upon order of any law enforcement officer be towed to some suitable place for safekeeping. Provided, that the owner of the vehicle may redeem same by payment of the towing charges.

Sec. 2. This Act shall apply only to Carteret County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 777 **CHAPTER 475**

AN ACT TO AMEND CHAPTER 109 OF THE 1963 SESSION LAWS OF NORTH CAROLINA RELATING TO SMALL WATERSHED PROGRAMS TO MAKE SAME APPLICABLE TO RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 109 of the 1963 Session Laws of North Carolina is hereby amended by striking out the period at the end of Section 3 thereof and inserting in lieu thereof the following: "and Rutherford County.".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 781 **CHAPTER 476**

AN ACT TO AMEND G. S. 66-84 SO AS TO EXEMPT ALAMANCE COUNTY FROM ARTICLE 17 OF CHAPTER 66 OF THE GENERAL STATUTES, RELATING TO BUSINESS CLOSING-OUT SALES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the word "Alamance," in line 2 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 782 **CHAPTER 477**

AN ACT PROHIBITING THE DISCHARGE OF FIREARMS ON OR ACROSS ANY HIGHWAY IN ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to discharge any firearm from, on or across any highway or public road or highway right of way or public road right of way in Alleghany County without the written permission of the owners of the land abutting the highway or road where the shooting occurs. Any violation of this Act shall be a midemeanor, punishable by a fine of not more than fifty dollars ($50.00), or imprisonment for not more than 30 days, or both, in the discretion of the court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 784 **CHAPTER 478**

AN ACT TO AMEND G. S. 153-9 (43), RELATING TO TAX LEVIES FOR CERTAIN SPECIAL PURPOSES, SO AS TO MAKE THE SAME APPLICABLE TO GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 (43), as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by inserting the word "Guilford," immediately following the word "Greene," in the fourth line of the last paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 808 **CHAPTER 479**

AN ACT TO AMEND CHAPTER 119, SESSION LAWS OF 1961 TO AUTHORIZE THE CREATION AND ORGANIZATION OF A HOUSING COMMISSION TO WHICH APPEALS MAY BE TAKEN FROM THE DECISION OF THE BUILDING INSPECTOR UPON ANY PROVISION OF THE HOUSING CODE OF THE CITY OF BURLINGTON IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 119, Session Laws of 1961, is hereby amended by adding thereto a new Article entitled "2A" following Section 2, reading as follows:

"ARTICLE 2A.

"HOUSING COMMISSION

"Sec. 5.52(a) The city council may provide for the creation and organization of a housing commission to which appeals may be taken from the decision of the building inspector upon any provision of the housing code of the city.

"(b) The commission shall consist of seven members to serve for three-year overlapping terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

"(c) An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the building inspector to the commission shall be taken within such reasonable time as shall be prescribed by the commission by general rule and shall be taken by filing with the building inspector and with the secretary of the commission a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made.

When an appeal is from a decision of the building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the building inspector until the hearing by the commission, unless the building inspector certifies to the commission, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one day's written notice to the building inspector, by the commission or by the Superior Court of Alamance County.

"(d) The commission shall fix a reasonable time for the hearing of all appeals and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The commission may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the building inspector; but the concurring vote of four members of the commission shall be necessary to reverse or modify any decision of the building inspector. The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

"(e) Every decision of the commission shall be subject to review by the Superior Court of Alamance County by proceedings in the nature of certiorari instituted within 15 days of the decision of the commission, but not otherwise.

"(f) If a person fails to comply with an order of the building inspector or, upon appeal, an order of the housing commission to repair, alter, improve, vacate, close or demolish a building or dwelling, the building inspector may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided that the duties of the building inspector as set forth herein shall not be exercised until the housing commission shall have, by resolution or other written decree, ordered the inspector to proceed to effectuate the above purposes with respect to the particular property or properties involved; and such order shall further povide that the amount of the costs incurred as a result of the exercise of such duties shall become a lien aginst the real property involved."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 821 **CHAPTER 480**

AN ACT TO AMEND G. S. 115-183 RELATING TO THE POWERS OF THE BOARD OF EDUCATION IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In Buncombe County, the board of education of said county may permit the use of school buses for the transportation of pupils and teachers to such cultural and educational performances and exhibits as shall be specifically approved by said board of education.

Sec. 2. The board of education of said county shall be liable for the operating costs incurred in the use of said buses, said costs to include the cost of gasoline and oil, the compensation of the drivers and an allowance for depreciation of the buses, the method of calculating said operating costs to be determined by the State Board of Education.

Sec. 3. Every bus operated for the purpose herein authorized shall be driven by a person holding a valid school bus driver's certificate or a chauffeur's license.

Sec. 4. Tort claims arising out of or connected with the use of buses for the purpose herein set out may be brought against the Board of Education of Buncombe County in accordance with the provisions of, and subject to the limitations set forth in Section 143-300.1 of the General Statutes. Said board of education shall carry insurance protecting against any claims which might be brought under the terms of said statute.

Sec. 5. In addition to the insurance required under the provisions of Section 4 of this Act, the Board of Education of Buncombe County shall carry such other insurance as will, in the opinion of said board, reasonably protect the pupils, teachers and drivers against injury or loss of life arising out of or connected with the use of said buses for the purpose herein authorized, provided that nothing in this Section shall be construed so as to give rise to any cause of action for injury or death against the board of education of said county, or the members thereof, except to the extent of the insurance provided by said board. The opinion of said board as to the reasonableness of any insurance provided except insurance required under Section 4 hereof, shall be final and binding.

Sec. 6. Neither the State Board of Education nor any other department, institution or agency of the State shall be liable for the payment of any tort claim arising out of or connected with the operation of any buses for the purpose herein authorized, nor liable for the payment of any award made on account of any such claim.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 842

CHAPTER 481

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ASHEBORO.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Asheboro is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF ASHEBORO

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The City of Asheboro shall continue to be a body politic and corporate under the name of the 'City of Asheboro', and shall continue to be vested with all property and rights which now belong to the city; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed, or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Exercise of powers. All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Asheboro shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Sec. 1.4. Form of Government; Certain General Laws Not Applicable. The form of government of the City of Asheboro shall be the Council-Manager form, as specified in this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes shall be applicable to the City of Asheboro.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Asheboro shall be as follows until changed in accordance with law:

"Beginning at a concrete monument in the intersection of Country Club Drive and Fairway Road in the City of Asheboro, North Carolina, said concrete monument being an existing corporate limit corner of the City of Asheboro, North Carolina, and running North 18 degrees, 12

minutes West 337.28 feet to a corporate limit marker on the North side of Dixie Drive (U. S. Highway No. 64); thence South 72 degrees, 40 minutes West 822.31 feet to a corporate limit marker; thence North 5 degrees, 36 minutes East 187.71 feet to a corporate limit marker; thence South 85 degrees, 56 minutes West 138.56 feet to a corporate limit marker; thence South 7 degrees, 28 minutes West 231.43 feet to a corporate limit marker; thence South 70 degrees, 44 minutes West 426.23 feet to a corporate limit marker; thence North 66 degrees, 42 minutes West 223.70 feet to a corporate limit marker; thence North 28 degrees, 48 minutes West 425.62 feet to a corporate limit marker; thence North 62 degrees, 26 minutes East 899.76 feet to a corporate limit marker; thence South 3 degrees, 51 minutes East 238.06 feet to a corporate limit marker; thence North 86 degrees, 01 minutes East 173.66 feet to a corporate limit marker; thence North 5 degrees, 41 minutes West 309.67 feet to a corporate limit marker; thence North 62 degrees, 26 minutes East 597.39 feet to a corporate limit marker; on the South side of Albemarle Road; thence North 18 degrees, 6 minutes West 994.25 feet to a corporate limit marker North of Brady Avenue; thence North 13 degrees, 3 minutes West 828.80 feet to a corporate limit marker North of Britt Avenue; thence North 75 degrees, 23 minutes West 180.40 feet to a corporate limit marker on the East side of Uwharrie Street; thence North 1 degree, 21 minutes West 362.23 feet to a corporate limit marker; thence North 7 degrees, 34 minutes East 245.02 feet to a corporate limit marker on the East side of Uwharrie Street; thence North 13 degrees, 3 minutes West 73.45 feet to a corporate limit marker; thence North 13 degrees, 5 minutes, 45 seconds West 2,867.82 feet to a corporate limit marker West of Spring Garden Street; thence South 83 degrees, 29 minutes West 1,906.12 feet to a corporate limit marker; thence North 41 degrees, 54 minutes West 1,158.33 feet to a corporate limit marker; thence North 1 degree, 10½ minutes East 2,671.61 feet to a corporate limit marker; thence North 36 degrees, 17 minutes East 591.96 feet to a corporate limit marker; thence North 37 degrees 29 minutes West 1,043.84 feet to a corporate limit marker; thence North 57 degrees, 57 minutes West 539.90 feet to a corporate limit marker; thence North 2 degrees, 58 minutes West 230.32 feet to a corporate limit marker; thence North 60 degrees, 7 minutes East 763.07 feet to a corporate limit marker; thence North 14 degrees, 54 minutes East 313.44 feet to a corporate limit marker; thence North 44 degrees, 15 minutes East 903.60 feet to a corporate limit marker; thence North 74 degrees, 59 minutes West 801.70 feet to a corporate limit marker; thence North 27 degrees, 46 minutes East 484.16 feet to a corporate limit marker; thence North 64 degrees, 37 minutes East 504.63 feet to a corporate limit marker; thence North 6 degrees, 26 minutes East 463.32 feet to a corporate limit marker; thence North 7 degrees, 17 minutes East 343.09 feet to a corporate limit marker; thence North 4 degrees, 19 minutes East 219.32 feet to a corporate limit marker; thence North 14 degrees, 3 minutes West 176.83 feet to a corporate limit marker; thence North 79 degrees, 59 minutes East 225.00 feet to a corporate limit marker in Westover Terrace; thence South 55 degrees, 11 minutes East 1,477.29 feet to a corporate limit marker; thence South 1

degree, 39 minutes West 3,840.99 feet to a corporate limit marker; thence South 52 degrees, 55½ minutes East 645.27 feet to a corporate limit marker; thence North 87 degrees, 20½ minutes East 1,157.80 feet to a corporate limit marker; thence North 69 degrees, 51 minutes, 15 seconds East 4,049.40 feet to a corporate limit marker; West of York Street; thence North 85 degrees, 41½ minutes East 4,146.00 feet to a corporate limit marker North of Pritchard Street; thence South 19 degrees, 31 minutes East 3,672.89 feet to a corporate limit marker between Cedar Falls Road and East Salisbury Street; thence South 3 degrees, 45 minutes West 1,579.40 feet to a corporate limit marker at the northwest corner of Coleridge Road and East Salisbury Street; thence South 10 degrees, 59 minutes East 1,234.69 feet to a corporate limit marker on the West side of Dublin Road; thence South 12 degrees, 40 minutes West 297.87 feet to a corporate limit marker; thence South 12 degrees, 42 minutes West 438.83 feet to a corporate limit marker; thence South 20 degrees, 40 minutes West 202.07 feet to a corporate limit marker at the northwest corner of Dublin Road and Redding Road; thence South 72 degrees, 22 minutes East 258.82 feet to a corporate limit marker; thence South 12 degrees, 39 minutes West 710.36 feet to a corporate limit marker; thence North 84 degrees, 36 minutes West 419.50 feet to a corporate limit marker; thence South 5 degrees, 37 minutes West 142.41 feet to a corporate limit marker; thence South 60 degrees, 23 minutes West 222.65 feet to a corporate limit marker; thence South 2 degrees, 35½ minutes West 1,182.12 feet to a corporate limit marker; on the North side of Dixie Drive (U. S. Highway No. 64) West of Dublin Road; thence South 62 degrees, 37 minutes West 716.11 feet to a corporate limit marker; thence South 62 degrees, 44 minutes West 1,315.93 feet to a corporate limit marker at the northeast corner of Shamrock Road and Dixie Drive (U. S. Highway No. 64); thence South 4 degrees, 4 minutes East 399.38 feet to a corporate limit marker; thence North 80 degrees, 46 minutes East 186.79 feet to a corporate limit marker; thence South 1 degree, 11 minutes West 962.67 feet to a corporate limit marker; thence South 89 degrees, 30 minutes West 1,070.02 feet to a corporate limit marker; thence North 2 degrees, 46 minutes West 574.41 feet to a corporate limit marker; thence North 78 degrees, 32 minutes East 388.51 feet to a corporate limit marker; thence North 9 degrees, 57 minutes East 504.52 feet to a corporate limit marker on the North side of Dixie Drive (U. S. Highway No. 64) West of Shamrock Road; thence South 67 degrees, 6 minutes West 393.73 feet to a corporate limit marker on the West side of Cliff Road; thence North 3 degrees, 0 minutes West 286.43 feet to a corporate limit marker on the West side of Cliff Road; thence South 87 degrees, 21 minutes West 1,213.01 feet to a corporate limit marker North of East Dorsett Avenue; thence North 14 degrees, 52 minutes West 572.96 feet to a corporate limit marker; thence South 49 degrees, 50½ minutes West 354.07 feet to a corporate limit marker on the West side of Cox Street; thence South 32 degrees, 53 minutes West 519.59 feet to a corporate limit marker; thence South 2 degrees, 18 minutes East 2,092.16 feet to a corporate limit marker North of Ridge Street; thence South 14 degrees, 18 minutes West 339.54 feet to a corporate limit marker; thence North 85 degrees, 20 minutes West 209.07 feet to a corporate limit marker between Third

Street and Second Street; thence South 6 degrees, 51 minutes West 418.22 feet to a corporate limit marker; thence North 83 degrees, 12 minutes West 293.73 feet to a corporate limit marker; thence South 12 degrees, 19 minutes West 478.53 feet to a corporate limit marker; on the South side of Foster Street; thence North 81 degrees, 47 minutes West 398.55 feet to a corporate limit marker; thence North 74 degrees, 13 minutes West 348.18 feet to a corporate limit marker on the West side of South Fayetteville Street; thence South 16 degrees, 34 minutes West, 3,962.73 feet to a corporate limit marker on West side of South Fayetteville Street; thence North 85 degrees, 19 minutes West 3,707.28 feet to a corporate limit marker; thence North 1 degree, 12 minutes East 1,594.38 feet to a corporate limit marker; thence North 60 degrees, 42½ minutes East 3,250.52 feet to a corporate limit marker; thence North 2 degrees, 36 minutes East 2,249.38 feet to a corporate limit marker; said corporate limit marker being a concrete monument, the point of beginning and containing 4.80 square miles more or less.

"All bearings are based on true North.

"Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND CITY COUNCIL

"Sec. 3.1. Composition of City Council. The City Council shall consist of five members to be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV. The Mayor shall be the official head of the city government and shall preside at all meetings of the City Council. Where there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and the members of the City Council shall serve for terms of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.

"(b) No person shall be eligible to be a candidate or to be elected as Mayor or as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the city.

"(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall

by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

"Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, and no increase or reduction in his salary shall be made to take effect the term in which it is voted. The City Council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect during the respective term in which it is voted.

"Sec. 3.5. Organization of Council; Oaths of Office. The Mayor and City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take and subscribe before the City Clerk, and have entered upon the minutes of the Council, the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) Three affirmative votes, which may include the vote of the Mayor, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the City Council of the City of Asheboro'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Filing of Candidates. Each qualified person who would offer himself as a candidate for nomination for the office of Mayor or Council-

man shall file with the City Clerk a statement giving notice of his candidacy for such nomination. Such statement shall be filed not earlier than 60 days nor later than five o'clock p.m. on the third Friday preceding the day hereinafter provided for the primary election, shall be accompanied by payment of a non-refundable filing fee in the amount of five dollars ($5.00), and shall be substantially in the following form:

'State of North Carolina
County of Randolph

I, ..., first being duly sworn, say that I am a citizen and resident of the City of Asheboro, County and State aforesaid; that I am a candidate for nomination for the office of .....; to be voted upon at the primary election to be held on the ..... Monday of ....., 19....., and I hereby request that my name be printed upon the official ballot for nomination at such primary election to said office. I affiliate with the ..... party. (Or, if independent in politics, here so state .....).

(Signature).....

Sworn to and subscribed before me, by ....., on this ..... day of ....., 19.....

(Signature) .....

(Office).....'

"Sec. 4.2. Posting and Publication of List of Candidates, Notice of Primary. After the expiration of the time for filing statements of candidacy, the City Clerk shall cause to be posted immediately at the City Hall for public inspection, and to be published once in each of the two succeeding calendar weeks in every newspaper published in the city, a list of the candidates as their names are to appear on the ballots for the primary or the regular municipal election, as the case may be. Along with such list there shall be posted and published a notice of the primary if one is required, or a statement that a primary will not be held if one is not required.

"Sec. 4.3. When Primary Required. If more than two candidates file for nomination for the office of Mayor, then a primary election shall be held to nominate two candidates for the office of Mayor in the regular municipal election. If more than six candidates who are affiliated with the majority party file for nomination for the office of Councilman, then a primary election shall be held to nominate six of such candidates for the office of Councilman in the regular municipal election. If more than four candidates who are not affiliated with the majority party file for nomination for the office of Councilman, then a primary election shall be held to nominate four of such candidates for the office of Councilman in the regular municipal election. Otherwise, no primary election shall be held, and the names of all properly filed candidates for any office for which no primary is required shall be placed on the ballots at the regular municipal election. If a primary is held for any office, then the names of the candidates nominated for such office in such primary, and the names of no other candidates for such office, shall appear on the official ballots at the regular municipal election.

"Sec. 4.4. Time of Primary if Required. If a primary election shall be required for any office, then the same shall be held on the second Monday preceding the regular municipal election, under the same laws, rules and regulations applicable to the regular municipal election.

"Sec. 4.5. Primary Ballots. If a primary election is required, the City Clerk shall cause primary ballots to be printed and authenticated with his signature or a facsimile thereof. Upon the ballots the names of the candidates for Mayor, arranged alphabetically, shall first be placed with a square at the left of each name, immediately below the words 'Vote for one'. Then the names of the candidates for Councilman, arranged alphabetically, shall be placed with a square at the left of each name, immediately below the words 'Vote for five'. Likewise provision shall be made for the names of candidates for each and every other elective office to be filed at such municipal election. The ballots shall also show the political affiliations or independence in politics, as the case may be, of all candidates, in accordance with the notice of candidacy filed. The ballots shall be printed upon plain substantial white paper, and shall be headed: 'Candidates for Nomination for Offices to be filled at the municipal election in the City of Asheboro, N. C., at the primary election to be held the ..... day of ....., 19.....'. The ballots shall set forth substantially the following directions and provisions: Place a cross in the square preceding the names of the persons you favor as candidates for the respective offices. 'Official primary ballot, candidates for nomination for ....' followed by a statement of the various offices to be filled, and by the names of the candidates therefor, respectively; and also a statement of the party with which each candidate affiliates or his independence in politics.

'Official ballot

Attest:

.....City Clerk'.

(Signature)

"Having caused the ballots to be printed, the City Clerk shall cause to be delivered at each polling place a number of such ballots equal to one hundred and five per cent (105%) of the number of persons registered in the respective precinct.

"Sec. 4.6. Results of Primary. On the day of the primary election, if one is held, the registrar and judges of election shall immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates and make return thereof to the City Clerk, within 15 hours after the closing of the polls. On the day following such primary election, the City Clerk shall publicly canvass the returns from all polling procincts and make and publish at the City Hall, and in some newspaper published in the city, at least once, the result thereof. The two candidates receiving the highest vote for Mayor shall be the candidates and only candidates for Mayor whose names shall be placed on the ballots for the next succeeding regular municipal election, and candidates in double the number of positions on the City Council allowed to be filled from each political party, as set out in Sections 4.3 and 4.9 hereof, receiving the highest number of votes for Councilman shall

be the candidates and only candidates for Councilman whose names shall be placed on the ballots for the next succeeding regular municipal election, subject to the qualification that not more than six such candidates shall be selected from those who affiliate with one and the same political party, unless a sufficient number of other candidates should fail to file. In like manner shall be determined the candidates to be voted on at the next general election for all other offices. It is the purpose and intention of this Section that the candidates on the official ballot shall, as to any and every office, be not more than double the number of offices and positions to be filled.

"Sec. 4.7. Regular Municipal Election Ballots. The City Clerk shall cause ballots for the regular municipal election to be printed and authenticated with his signature or a facsimile thereof. Such ballots shall conform substantially to the requirements of Section 4.5 hereof relating to primary ballots, except that the heading, directions and provisions of such ballots shall reflect that they are ballots for the regular municipal election, rather than for the primary election.

"Sec. 4.8. Regular Municipal Elections. Regular municipal elections in the city shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election, there shall be elected by the qualified voters of the city a Mayor and five Councilmen, in accordance with the provisions of Section 4.9 hereof.

"Sec. 4.9. Intention of Article; Determination of Results of Election. It is the purpose and intention of this Article that the city shall have, so far as practicable, a nonpartisan City Council, composed of three Councilmen chosen from persons affiliated with the majority party, and two Councilmen chosen from those who are not affiliated with the majority party, and to that end not more than three-fifths of the candidates for Councilman, out of the total number selected at the primary, shall be chosen from among those affiliated with one and the same political party, in case there shall be a sufficient number of candidates from those who are not affiliated with the majority party, as well as from those who are affiliated with the majority party, to provide adequate representation as herein contemplated and provided. At each regular election, not more than three-fifths of the Councilmen shall be selected from those affiliating with one and the same political party, and any and all nominations and elections for or of Councilmen exceeding the number herein specified shall be disregarded and eliminated entirely from the results, and the final results shall be considered and determined as though all candidates so eliminated were not voted upon at such primary or at such election; provided, there shall be a sufficient number of candidates at the election to fill all the available offices.

"Sec. 4.10. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

"ARTICLE V. CITY MANAGER

"Sec. 5.1. Appointment; Compensation. The City Council shall appoint an officer whose title shall be City Manager and who shall be the chief

executive officer of the city and the head of the administrative branch of the city government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the city, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the City Council shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which he was elected. The City Manager shall serve at the pleasure of the City Council and shall receive such salary as the Council shall fix. In case of absence or disability of the City Manager, the Council may designate a qualified officer or employee of the city to perform the duties of the office during such absence or disability.

"Sec. 5.2. Chief Administrator. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the city. As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the City Attorney, who shall be appointed as provided in Article VI. Neither the Mayor nor the City Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the Mayor and the City Council and its members shall deal with officers and employees in the administrative service only through the City Manager, and neither the Mayor nor the City Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

"Sec. 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the City Council concerning the affairs of the city as he shall deem expedient; to keep the City Council advised of the financial condition and the future financial needs of the city; to attend all meetings of the City Council and to prepare and submit to the Council such reports as he may deem expedient or as may be required of him by the Council; and to perform all other duties as may be required of him by the City Council.

"ARTICLE VI. CITY ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Terms; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The City Attorney shall serve at the pleasure of the City Council and shall receive such compensation as the Council shall determine.

"Sec. 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the city; to advise

the Mayor, City Council, City Manager, and other city officials with respect to the affairs of the city; to draw all legal documents relating to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. City Clerk. The City Manager may appoint a City Clerk to keep a journal of the proceedings of the City Council and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the Manager may direct.

"Sec. 7.2. City Tax Collector. The City Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 7.3. City Accountant. The City Manager may appoint a City Accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

"Sec. 7.4. Consolidation of Functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or any other positions, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions. The City Manager may also, with the approval of the City Council, himself perform all or any part of the functions of any positions or offices, in lieu of appointing other persons to perform the same.

"ARTICLE VIII. FINANCE AND TAXATION

"Sec. 8.1. Custody of City Money. All moneys received by the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All money belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The City Council shall select the public accountant, and the results of such audit

shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the City Council.

"Sec. 8.3. Delinquent Taxes to General Fund. The City Council may, in its discretion, direct the payment into the general fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the fiscal year for which they were levied.

"ARTICLE IX. DISPOSAL OF PROPERTY

"Sec. 9.1. Disposal of Surplus Real Property. The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell any real property which the Council has declared to be surplus in the following manner:

"(a) Upon receipt of a deposit of five per cent (5%) of an offer to purchase any such lot or parcel of land, the City Council may cause a notice to be published once a week for four successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit in the amount of five per cent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21 nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock noon of the date so specified unless the City Council shall cause the property to be readvertised and again offered for sale as hereinafter provided.

"(b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the City Council shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five per cent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person, or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the Council shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

"(c) The City Council, in its discretion, instead of confirming any such sale, shall have the right, power, and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of property.

"(d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

"Sec. 9.2. Disposal of Surplus Personal Property. The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property which the Council has declared to be surplus property, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

"(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council;

"(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

"ARTICLE X. POLICE

"Sec. 10.1. Jurisdiction Extended.

"(a) The jurisdiction of the city police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

"(b) The jurisdiction of the city police force is hereby extended to include all property and facilities owned by the city, whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Sec. 10.2. Effect of Ordinances on City Property. All applicable ordinances of the city shall have full force and effect upon and within all property and facilities owned by the city, whether located within or outside the corporate limits.

"ARTICLE XI. STREET AND SIDEWALK IMPROVEMENTS

"Sec. 11.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the city for making street and sidewalk improvements, the City Council is hereby authorized to make street and sidewalk improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

"Sec. 11.2. Street Improvements; When Petition Unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting properties at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

"(a) That the street improvement project does not exceed 1200 lineal feet, and

"(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

"(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

"(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Sec. 11.3. Street Improvement Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"Sec. 11.4. Sidewalk Improvements. The City Council is hereby authorized to cause sidewalks to be constructed or sidewalk improvements or repairs to be made in accordance with standards and specifications of the city, and to assess the total cost thereof against abutting properties, without the necessity of a petition; provided, that the Council may order the cost of sidewalk improvements made on only one side of a street to be assessed against the properties abutting both sides of such street.

"Sec. 11.5. Assessment Procedure. In ordering street or sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 11.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

"Sec. 11.7. Maintenance of Sidewalks. It shall be the duty of every property owner in the city to maintain in good repair and to keep clean and free of debris, trash, and other obstacles and impediments the sidewalks abutting his property. The City Council is hereby authorized to establish by ordinance a procedure whereby city forces may repair or clean any sidewalk or remove therefrom any trash, debris, or other obstacles or impediments upon the failure of the abutting property owner after 10 days' notice to do so. In such event, the cost of such repair, cleaning, or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes, and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes. The authority and procedure of this Section as to repair of sidewalks shall be supplementary to the authority and procedure of Section 11.4, and the City Council may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

"Sec. 11.8. Acceptance of Conveyance in Satisfaction of Assessments. The City Tax Collector or other official or employee of the city having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the City Council first had and obtained, to receive and accept a fee simple conveyance to the city of any lot or parcel of land in the city, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assess-

ments involved were levied. No lot or tract of land may be divided and such right, power, and authority exercised as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the city, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property, as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

"ARTICLE XII. WATER AND SEWER IMPROVEMENTS

"Sec. 12.1. Laterals Included in Cost. In ordering water or sewer line extensions, or both, and the assessment of the costs thereof under authority of G. S. 160-241 or any other law, the City Council is hereby authorized to include in such extensions water and sewer line laterals, and to include the cost of such laterals in the total cost to be assessed upon abutting properties.

"Sec. 12.2. Corner Lot Exemptions. The City Council is hereby authorized to establish, by ordinance or resolution, schedules of exemptions for assessments for water and sewer line extensions for corner lots when water or sewer lines, or both, are installed along both sides of such lots and when the cost of such installation along both sides were or are financed in whole or in part by assessments. The schedules of exemptions may be classified as to land uses (residential, commercial, industrial, institutional, or agricultural) and shall be uniform for each such classification used; provided, however, that no schedule of exemptions may provide for exemption of more than seventy-five per cent (75%) of the frontage on any side of a corner lot, or 150 feet, whichever is greater.

"Sec. 12.3. Acreage Charges. In addition to water and sewer service charges and connection charges, the City Council may establish and collect acreage charges for the privilege of connecting to the city water and sewerage systems, both within and outside the corporate limits, to aid in the financing of new water and sewer mains and sewer outfalls and the replacement or enlargement of existing mains and outfalls. Such charges shall apply uniformly to all properties to which water or sewerage service is extended subsequent to the establishment of such charges; provided, however, that the Council may establish higher acreage charges for property developed or to be developed for commercial, industrial, or institutional uses than those established for residential uses, and may base acreage charges for residential property upon the number of dwelling units per acre of land.

"ARTICLE XIII. REGULATORY POWERS

"Sec. 13.1. Subdivision Control. Any subdivision control ordinance enacted by the City Council under authority of general law may provide for the more orderly development of subdivisions within the subdivision control jurisdiction of the city by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing and

guttering; and street drainage facilities in accordance with policies established by the Council. To assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

"Sec. 13.2. Regulatory Codes. The City Council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the city regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe builidngs. In addition, the City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the city, and the power to make a reasonable charge therefor; provided, that the City Council may by ordinance require that the constractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

"ARTICLE XIV. AIRPORT AUTHORITY

"Sec. 14.1. Creation. There is hereby created the Asheboro Airport Authority, hereinafter called the Airport Authority, which shall have the duties and powers hereinafter enumerated, such other and additional powers as shall hereafter be conferred upon it by the City Council, and such other and additional powers as shall be necessary and incidental to the performance of the duties hereinafter imposed upon said Airport Authority.

"Sec. 14.2. Membership. The Airport Authority shall consist of three members who shall be appointed by the City Council and shall serve for three-year terms.

Each of the members appointed and their successors shall take and subscribe before the Clerk of the Superior Court of Randolph County an oath of the office and file the same with the City Council.

"Sec. 14.3. Duties of Authority. The duties of the Airport Authority shall be as follows:

"(a) Property. To assume administrative control over the real property owned by the City and upon which its airport is constructed, and over the personal property and fixtures used in connection therewith.

"(b) Management. To manager and control all of the property and operate the airport for the use and benefit of the public as a public airport and in the manner in which it will contribute greatest to the growth, expansion, welfare and prosperity of the city.

"(c) Maintenance. To maintain at all times, in as good and serviceable condition as the funds made available will permit, the entire landing area and all buildings, improvements, facilities and equipment at the airport.

"(d) Covenants and Restrictions. To so operate and manager the airport as to comply with all the conditions, covenants, and restrictions contained in the application by the city for aid from the United States Government for the construction of said airport.

"(e) Annual Report. To make a complete report of all of its actions annually to the regular May meeting of the City Council, and at such other times as the City Council may deem necessary or advisable, and at such times submit such recommendations with regard to the operation of the airport as it shall deem advisable.

"Sec. 14.4. Powers of Authority. The Airport Authority shall have and is hereby given the following authority and powers:

"(a) Organization. To adopt such bylaws for its own organization, the management and rules of procedure for its meetings and any hearings it may wish to hold, as it may deem advisable, and to prescribe the specific duties of its own members.

"(b) Rules and Regulations. To make such reasonable rules and regulations as it may deem necessary for the proper maintenance and operation of the airport, and to provide penalties for the violation of such rules and regulations, and to make recommendations for the adoption of any ordinances which are deemed necessary to maintain law and order on the airport property.

"(c) Lease. To rent or lease the airport or any portion thereof, exclusive of runways and other landing areas, and any of the buildings or facilities thereon, to any person or governmental agency for the purpose of operating the airport and doing anything incidental thereto; provided that no lease shall be made for a period longer than three years without the approval of the City Council; and, provided further, that should the Airport Authority decide to lease the airport property to any person or governmental agency, a condition of the lease shall be that sufficient bond, insurance policy or other surety and indemnity shall be posted to save the city harmless from all loss, damage or liability arising out of the operation thereof by said person, or governmental agency; and, provided further, that all contemplated leases shall be presented to the City Attorney for his approval before the execution thereof.

"(d) Contracts. To enter into any and all contracts in its own name with any person, and to contract for or confer the privileges or concessions of supplying at the airport any goods, commodities, services, facilities or other things; provided that no contract or letting of a concession shall be for a greater period than three years without the approval of the City Council; and, provided further, that no contract or lease entered into shall pledge the credit of the city in any manner, but the liability of the city shall be limited to the extent of the funds of the Airport Authority in the airport fund as provided in Section 14.6.

"(e) Employees. To employ any and all persons upon a salary, fee, or commission basis, which are deemed necessary to assist in the management or operation of the airport, including the power to employ a full-time fixed base operator on a basis to be approved by the City Council.

"(f) Charges. To determine the charge or rental for the use of or lease of any properties, real or personal, owned or operated by its or

under its control, and the charges for any services or accommodations and the terms and conditions upon which such properties may be used.

"(g) Expenditures. To expend all moneys received from fees and charges made or from the lease of any of said property or otherwise made available to the Airport Authority by the city in any manner which they deem advisable in the performance of their duties, subject only to the limitations contained in Section 14.5.

"(h) Receipt of Moneys. To accept, receive and receipt for federal moneys, and other moneys, either public or private, for the construction, enlargement, improvement, maintenance, equipment or operation of the airport, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder, the compliance with which shall be a condition precedent to the receiving of such moneys.

"(i) Insurance. To purchase such insurance as the Airport Authority shall deem necessary to protect the interest of the city in the airport property.

"(j) Miscellaneous. To do any and all other things which may be necessary or incidental to the performance of the duties of the Airport Authority in operating the airport and not in conflict with any of the restrictions hereinbefore or hereinafter set out.

"Sec. 14.5. Limitations Upon Powers. All powers and authority given and granted to the Airport Authority shall be subject to the following limitations thereon:

"(a) Nepotism. No contract, lease, sale, purchase, or concession letting shall be made with any person related by blood or marriage to any of the members of the Airport Authority, or with any business, firm, partnership, or corporation with which any member of the Authority or a person to whom he is related by blood or marriage is connected, either as owner, employee, stockholder, director or otherwise, without prior approval of the contract, lease, sale, purchase or concession letting by the City Council; provided, however, that contracts with a corporation for its general benefit, and routine sale and purchases of regular items of merchandise and at regularly established and reasonable prices may be made without such prior approval of the City Council.

"(b) Discrimination. All contracts, leases, sales, purchases or fees charged shall be upon reasonable terms and without unjust discrimination and without the grant or exercise of any exclusive right for the use of the airport, and particularly within the meaning of Section 303 of the Civil Aeronautics Act of 1938, and in no case shall the public be deprived of its rightful, equal and uniform use of the airport.

"(c) Type of Contracts. The Airport Authority shall make no contract, lease, sale, purchase or any other things which shall not be consistent with and necessary or incidental to the use of said property as a public airport, and shall not allow the use of any building thereon for manufacturing or industrial purposes.

"(d) Construction. Nothing herein contained shall be construed to give the Airport Authority power or authority to do anything in conflict with the laws of the United States, the laws of the State of North Carolina, or the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

"Sec. 14.6. Airport Fund. There is hereby created a separate fund to be known as the Airport Fund, said fund to be maintained and expended in the following manner:

"(a) Separate Account. The Airport Fund shall be a separate account, based on a fiscal year basis beginning on July 1 and ending June 30 of each year.

"(1) Appropriated Funds. All sums appropriated by the city to the Airport Authority for the maintenance of the airport, said funds to be immediately transferred by the finance officer of the city from the general funds of the city to the Airport Fund upon its due appropriation by the City Council.

"(2) Income from Operations. All sums received by the Airport Authority from leases or contracts made, rents or fees charged or otherwise obtained by the Airport Authority through its operation of the airport.

"(3) Government and Private Use. All federal, State, or private funds received by the city or the Airport Authority for use in the enlargement, improvement, maintenance, equipment, or operation of the airport.

"(4) Miscellaneous. Any and all other moneys received by either the city or the Airport Authority which are exclusively or primarily for the benefit and improvement of the airport.

"(b) Expenditures. All sums at any time in the fund may be expended by the Airport Authority in such manner as it, in its bylaws, rules or regulations shall provide.

"(c) Liability of City Limited. The liability of the city upon any contract, lease or agreement made by the Airport Authority or on account of any other action taken by the Airport Authority shall be limited to the extent of the Airport Fund, and in no manner may the Airport Authority pledge the credit of the city to any greater extent.

"(d) Annual Report and Budget. At the time of making its annual report as provided for in Section 14.3(e) and as a part thereof, the Airport Authority shall make a complete financial report, setting forth all receipts, from whatever source received, which were put into the Airport Fund during the first nine months of the current fiscal year, and setting forth all disbursements, to whatever source made, which were made from the Airport Fund, and setting forth all assets and liabilities of the Airport Authority at that time. The Airport Fund shall be subject to an annual audit by a certified public accountant as provided by the city and approved by the local government commission. Such audit shall be made at the close of each fiscal year. Along with the May report, the Airport Authority shall submit a budget for the forthcoming year, from which the City Council can determine the amount of money necessary to be appropriated to the Airport Fund for the forthcoming year.

"(e) Refund to the City. If at any time it shall appear to the City Council that the Airport Fund is greater than necessary to carry out the duties and plans of the Airport Authority, it may require the Airport Authority to pay over into the general funds of the city such amount as may be therein specified; provided, however, that such transfer shall not be in such a sum as to leave the Airport Fund less than the outstanding current liabilities of the Airport Authority, without providing for the payment of such liabilities.

"ARTICLE XV. CLAIMS AGAINST THE CITY

"Sec. 15.1. Presentation of Claims; Suit Upon Claims.

"(a) All claims or demands against the City of Asheboro arising in tort shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

"(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose, or for the ejectment of the city therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of the damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termnation of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

"Sec. 15.2. Settlement of Claims by City Manager. The City Manager may with the approval of the City Council settle claims against the city for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or

taking complained of. All such settlements, and all such releases shall be approved in advance by the City Attorney."

Sec. 2. The Asheboro Golf Commission, as created by Chapter 240 of the Private Laws of 1935, as amended by Chapter 593 of the Session Laws of 1953, is hereby abolished. The Municipal Fishing Commission of the City of Asheboro, as authorized by Chapter 246 of the Public-Local Laws of 1941, is hereby abolished. From and after the ratification of this Act, all property, real and personal, including accounts reecivable, then belonging to and owned by the Asheboro Golf Commission and belonging to and owned by the Municipal Fishing Commission of the City of Asheboro, shall vest in, belong to, and be the property of the City of Asheboro. The Asheboro Golf Commission and its members, officers, and employees, and the Municipal Fishing Commission of the City of Asheboro and its members, officers, and employees, are hereby authorized, empowered, and directed to perform such acts and to execute such documents, not later than June 30, 1967, as will carry into effect the provisions and the intent of this Section. Henceforth, the property and functions heretofore administered by the Asheboro Golf Commission and the Municipal Fishing Commission of the City of Asheboro shall be administered, performed, and carried out in accordance with the provisions of the Charter of the City of Asheboro, as enacted by Section 1 of this Act, in the same manner as other property, functions, and departments of the city.

Sec. 3. The purpose of this Act is to revise the Charter of the City of Asheboro and to consolidate herein certain Acts concerning the property, affairs, and government of the city. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 4. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the City of Asheboro;

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 5. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c. 76, Private Laws, 1796
c. 138, Private Laws, 1828-29
c. 88, Private Laws, 1829-30
c. 129, Private Laws, 1829-30
c. 47, Private Laws, 1845
c. 241, Private Laws, 1849
c. 262, Private Laws, 1854-55
c. 160, Private Laws, 1860-61
c. 130, Private Laws, 1873-74
c. 43, Private Laws, 1872-73
c. 79, Private Laws, 1883

c. 26, Private Laws, 1889
c. 301, Private Laws, 1893
c. 352, Private Laws, 1903
c. 337, Private Laws, 1905
c. 316, Private Laws, 1907
c. 288, Private Laws, 1911
c. 312, Private Laws, 1911
c. 348, Private Laws, 1911
c. 14, Private Laws, 1913
c. 295, Private Laws, 1913
c. 179, Private Laws, 1923
c. 48, Private Laws, 1935
c. 110, Private Laws, 1935
c. 240, Private Laws, 1935
c. 362, Public-Local Laws, 1939
c. 246, Public-Local Laws, 1941
c. 419, Session Laws, 1945
c. 476, Session Laws, 1945
c. 428, Session Laws, 1947
c. 1221, Session Laws, 1951
c. 593, Session Laws, 1953
c. 916, Session Laws, 1955
c. 839, Session Laws, 1959
c. 733, Session Laws, 1965

(b) The following Acts, applying to more than one political subdivision, are hereby repealed in their application to the City of Asheboro:

c. 62, Private Laws, 1933
c. 358, Public-Local Laws, 1933
c. 506, Public-Local Laws, 1933

(c) c. 930, Session Laws, 1947, which will be superseded by full application of the Judicial Department Act of 1965 in the County of Randolph, is hereby repealed effective on the first Monday in December, 1970.

Sec. 6. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 7. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 8. (a) All existing ordinances and resolutions of the City of Asheboro, and all existing rules or regulations of departments or agencies of the City of Asheboro, not inconsistent with the provisions of this Act,

shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Asheboro or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 9. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 848 CHAPTER 482

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS OF CHATHAM COUNTY TO TURN IN TO THE GENERAL FUND ALL TAXES COLLECTED FOR THE YEAR 1965 AND ALL PRIOR YEARS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Chatham County is hereby required to turn in to the General Fund of the County of Chatham the proceeds of all uncollected taxes which may hereafter be collected for the year 1965, and all prior years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 852 CHAPTER 483

AN ACT AMENDING SECTION 160-181.2 OF THE GENERAL STATUTES INSOFAR AS THE SAME APPLIES TO LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 160-181.2 is amended by adding the following provision at the end thereof:

"Where the municipal legislative body designates as its zoning commission a joint planning board created by agreement with the board of commissioners of the county in which the municipality is located, some of whose members are appointed by the county board of commissioners from areas outside the municipal limits, it shall not be necessary that additional members be appointed pursuant to the second paragraph of this Section as a prerequisite to the exercise of the authority granted herein."

Sec. 2. This Act shall apply only to Lee County.

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 854 CHAPTER 484

AN ACT AUTHORIZING LEE COUNTY TO ENACT AND ENFORCE A MINIMUM HOUSING STANDARDS ORDINANCE.

The General Assembly of North Carolina do enact:

Section 1. The Lee County Board of Commissioners is hereby authorized to exercise any and all of the powers granted to municipal governing bodies by Article 15 of Chapter 160 of the General Statutes of North Carolina, entitled "Repair, Closing and Demolition of Unfit Dwellings." Such powers shall be exercised only in and with respect to the area included in the county's zoning jurisdiction, as defined by Section 153-266.13 of the General Statutes.

Sec. 2. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor of any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 3. This Act shall apply only to Lee County.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 860 CHAPTER 485

AN ACT TO ABOLISH THE OFFICE OF CORONER IN LINCOLN COUNTY AND TO MAKE CHAPTER 152A, RELATING TO COUNTY MEDICAL EXAMINER, APPLICABLE IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 152A-12, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word "Lincoln" immediately after the word "Lee" in line 2 thereof; provided, however, that the County Medical Examiner System which is authorized by Chapter 152A shall not become effective in Lincoln County until the first Monday in December of 1970, unless such system is sooner adopted by the Board of County Commissioners of Lincoln County as provided in G. S. 152A-11.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 870 **CHAPTER 486**

AN ACT TO PERMIT THE BUILDING OF A NEW COURTHOUSE IN WATAUGA COUNTY ON A NEW SITE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of the bond order adopted by the Board of Commissioners for the County of Watauga on the third day of October, 1966 and approved by the voters of said County at an election on November 8, 1966, which order authorized the issuance of four hundred fifty thousand dollars ($450,000.00) bonds of said County for the purpose of financing the construction, on the site of the existing County courthouse, of a new building for use as a County courthouse and the acquisition of equipment and furnishings suitable for such improvement, the proceeds of said bonds may be used for such construction of a new building and the acquisition of necessary equipment and furnishings therefor on a site to be selected by the Board of Commissioners for said County other than that of the existing County courthouse: Provided, such other site is located within one-half mile of the site of the existing County courthouse.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 871 **CHAPTER 487**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF LENOIR.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Lenoir is hereby revised and consolidated to read as follows:

THE CHARTER OF THE CITY OF LENOIR

Article I. Incorporation and Corporate Powers.

Section 1.1. Incorporation and General Powers. The City of Lenoir shall continue to be a body politic and corporate under the name of the "City of Lenoir", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Section 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this

Charter makes no provision, as provided by ordinance or resolution of the Board of Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations.

Section 1.3. Enumerated Powers not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Lenoir shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina, and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

Article II. Corporate Boundaries.

Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Lenoir shall be as set out on a map entitled "Map of the City of Lenoir, North Carolina"; which map shall be kept up to date with a complete description of the metes and bounds of the City and shall be available for inspection by the public in the office of the City Manager.

Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

Article III. Mayor and City Councilmen.

Section 3.1. Plan Generally. The method of government provided for in this Charter for the City of Lenoir shall be known as Council-Manager.

Section 3.2. Governing Body. The government of the City and the general management and control of all its affairs shall be vested in a city council, which shall be elected and shall exercise its powers in the manner herein and in Article 21 of the General Statutes of North Carolina set forth, except that the city manager shall have the authority hereinafter specified.

Section 3.3. Number and Election of City Council. The city council shall consist of seven members, who shall be elected at large by and from the qualified voters of the City for a term of two years and until their successors are elected and qualified, except that the members of city council elected in May, 1969, shall serve terms as follows:

(a) Those four members receiving the largest number of votes shall serve terms of four years.

(b) The remaining three elected members shall serve terms of two years.

Section 3.4. Power and Organization of City Council. All the legislative powers of the City shall be vested in the city council. The city council elected as set out in Section 3.3 shall meet at ten o'clock on July first next following their election, and the members of the city council whose terms of office then begin shall severally make oath before the city clerk or justice of the peace to perform faithfully the duties of their respective offices. The city council shall thereupon be organized and shall choose one of its members to be mayor pro tempore, who shall hold his office during the pleasure of the city council. Such organization shall take place notwithstanding the absence, death, refusal to serve; provided that at least

five of the persons entitled to be members of the city council are present and make oath as provided. Any member entitled to make the oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Section 3.5. Meetings Regulated. The city council shall fix suitable times for its regular meetings. The mayor, the mayor pro tempore, of the city council, or any four members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by a person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

Section 3.6. Quorum and Conduct of Business. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the City, shall, if present, preside; but shall have no vote except in case of a tie. He shall have no power of veto. In the absence of the mayor, the mayor pro tempore of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be ex officio clerk of the city council and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the city council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the city council until a city clerk is chosen and qualified. All final votes of the city council involving the expenditure of fifty dollars ($50.00) or over shall be by yeas and nays, and shall be entered on the records. On request of one member, the vote shall be by yeas and nays, and shall be entered upon the records. Four affirmative votes at least shall be necessary for the passage of any order, odinance, resolution, or vote.

Section 3.7. Vacancies in Council. Vacancies in the city council shall be filled by the council for the remainder of the unexpired terms.

Section 3.8. Election of Mayor. The mayor shall be elected at large at the regular municipal election held in accordance with Section 4.19 of this Charter, and shall hold office for a two-year term. In case of a vacancy in the office of mayor, the remaining members of the council shall choose from their own number his successor for the unexpired term.

Section 3.9. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine, and he shall receive no other compensation from the City. His salary shall not be increased or diminished during the term for which he is elected. The council may, by a vote of not less than four members, taken by call of the yeas and nays, establish a salary for its members. Such salary may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted.

Section 3.10. Election of Treasurer; Salary. The council may elect from its membership a treasurer, and in addition to the salary allowed as a member of the council, such treasurer may be paid for his services as treasurer such amount as council shall set.

Section 3.11. City Manager Appointed. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the City when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

Section 3.12. Powers and Duties of City Manager. The city manager shall: (1) Be the administrative head of the city government; (2) see that within the City the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the City, keep the council fully advised of the City's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the City.

Section 3.13. Appointment and Removal of Officers. Such city officers and employees as the council shall determine are necessary for the proper administration of the City shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

Section 3.14. Control of Officers and Employees. The officers and employees of the City shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

Article IV. Elections.

Section 4.1. Primary Elections—When Held. There shall be held on the Friday before the first Monday in May, 1935, and biennially thereafter, a primary election for the City of Lenoir, for the nomination of candidates for mayor and city councilmen to vote for at the general election provided for in the Charter of the City of Lenoir.

Section 4.2. Same—Nominees. The two candidates for mayor receiving the largest number of votes cast shall be declared the nominees of the primary for mayor, and the 14 candidates for councilmen receiving the largest number of votes cast shall be declared the nominees of the primary for councilmen, and their names shall be placed on the official ballots for the general municipal election to be held on the first Monday in May of each odd-numbered year.

Section 4.3. Same—Conditions Under Which Primaries are not Held. When not more than two candidates file notice of their candidacy for the office of mayor and not more than 14 candidates file notice of their candidacy for councilmen, the persons so filing shall be declared the nominees, and no primary election shall be held.

Section 4.4. Same—Conduct. Primary elections shall be conducted by the board of elections, which shall consist of the mayor, the city councilmen and the city manager. The mayor shall be ex officio chairman and the city manager shall be ex officio secretary of the board of elections, and five members shall constitute a quorum.

Section 4.5. Same—Registrars and Judges of Election. The board of elections shall select and appoint one or more persons to act as registrar or registrars of voters, and two judges of election for each polling place, who before entering upon the discharge of their duties shall take an oath to conduct the primary election faithfully and impartially according to the laws of the State of North Carolina. The board of elections shall issue a notice, and have it served by a police officer, advising each registrar and judge of his appointment to act as such official at the primary election on the date specified in the notice. If any vacancy shall occur in the office of registrar or judge, the same shall be filled by the board of elections.

Section 4.6. Same—Duties of Judges of Election. The judges of election shall open the polls and superintend the same until the close of the primary election; they shall keep poll books in which shall be entered the name of each person who shall vote, and at the close of the election they shall certify the same under their proper signatures and deposit the same with the board of elections.

Section 4.7. Same—Registration of Voters. It shall be the duty of the board of elections to cause a registration to be made of all the qualified voters residing in the City of Lenoir under the rules and regulations prescribed for the registration of voters for general elections. The board of elections may in its discretion order a new registration of voters; but unless such new registration shall be ordered, the primary shall be held under the existing registration, with such revision as is hereinafter provided. In the event a new registration is ordered, the board of elections shall give 10 day's notice thereof by advertisement in some newspaper in the City of Lenoir.

Section 4.8. Same—To be Furnished Registrars. Each registrar shall be furnished with a registration book, and it shall be his duty to revise such registration book in such manner that such book shall show an accurate list of the electors previously registered and still residing within the City of Lenoir without requiring such electors to be registered anew.

Section 4.9. Same—Opening and Closing of Registration Books. The registrar or registrars shall open the registration books on the second Monday in April before every primary election and shall register all qualified voters who shall apply. The registration books shall close on the Saturday immediately preceding the primary election, and shall be opened for challenge of any registered voter on the Monday immediately preceding any primary election between the hours of 10:00 A.M. and 12:00 noon; provided that on election years when new registrations are ordered the registration books shall be opened on the first Monday in April and shall remain open for three weeks for the registration of voters.

Section 4.10. Same—Hours During Which Polls are Open. The polls shall be open on the day of each primary election between the hours of 7:00 A.M., and 6:00 P.M., or as shall be ordered by the board of elections, and each person whose name may be registered shall be entitled to vote and no other.

Section 4.11. Same—Qualifications of Voters. All electors qualified to vote for State officers who shall have resided in the City for 30 days immediately preceding such primary election, and not otherwise, shall have the right to vote for candidates for mayor and city councilmen.

Section 4.12. Same—Ballots. All ballots to be used in the primary election shall be prepared by or under the supervision of the board of elections, and no ballot shall be counted other than ballots prepared or furnished by the board of elections.

Section 4.13. Same—Counting Votes, Etc. When the primary election shall be furnished, the registrar and the judges shall open the ballot boxes, count the ballots and certify the result of the vote to the board of elections. The registration books, the poll books and the ballot boxes containing the ballots cast in the primary election shall be deposited with the secretary of the board of elections as soon as the ballots have been counted.

Section 4.14. Same—Board of Canvassers. The board of elections shall constitute the board of canvassers and shall meet the next day after the primary election at 12:00 noon at the mayor's office, and canvass and determine the result of the election. The board of canvassers shall have the power and authority to pass upon judicially all the votes cast in the primary election, and shall determine and declare the result of, the same.

Section 4.15. Same—Placing Names of Nominees on Ballots for General Elections. Only names of the candidates nominated in the primary elections shall be certified and placed upon the ballots provided for the general municipal elections.

Section 4.16. Same—Filing Notice of Candidacy. Only such candidates as file notice of their candidacy with the chairman or secretary of the municipal board of elections on or before 5:00 P.M. on the third Friday immediately preceding the day of any primary election shall be placed on the official ballot for the primary election; and no candidate shall file or qualify for the primary election until he has deposited with the chairman or secretary the fee that may be required by the board of elections for candidates for office for which he offers himself.

Section 4.17. Same—Fees. The board of elections shall, at least 30 days before each primary election, designate the amount of money each candidate may be required to pay as a filing fee for the particular office for which he desires to become a candidate, which fee shall be paid by such candidate at the time he files his candidacy with the board.

Section 4.18. Compensation of Election Officials; Disposition of Moneys Received from Candidates Filing Fees. The chairman and secretary of the board of elections and the registrars and judges in such primary election shall receive such compensation as the board of city councilmen of the City of Lenoir may provide, and all money received by the board of elections from candidates for entrance fees shall be applied to the payment of the primary election expenses. They shall certify to the city councilmen a statement of such expenses and any additional amount necessary to defray the expenses of such elections shall be paid by the City of Lenoir.

Section 4.19. Regular Municipal Elections. The regular municipal elections shall be held on Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the City voting at large a mayor to serve for a term of two years and such number of city councilmen as may be required by Section 3.3 of this Charter, to serve for terms of two years, except for the city councilmen elected under Section 3.3 (a) of this Charter, or until their successors are elected and qualify.

Section 4.20. Voting. Each voter shall be entitled to vote for one candidate for mayor and for such number of candidates for city councilmen as may be required by Section 4.19 of this Charter. The candidate for mayor who receives the largest number of votes shall be declared elected, and the candidates for city councilmen who receive the largest number of votes for city councilmen shall be declared elected.

Article V. Administrative Officers and Employees.

Section 5.1. City Clerk. The city manager may appoint a city clerk to keep a journal of the proceedings of the city councilmen and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by laws or as the manager may direct.

Section 5.2. City Tax Collector. The city manager may appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 5.3. City Accountant. The city manager may appoint a city accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

Section 5.4. Consolidation of Functions. The city manager may, in his discretion, consolidate any two or more of the offices of city clerk, city tax collector, and city accountant, or may assign the functions of any one or more of these offices to the holder or holders of any other of these offices. The city manager may also, in his discretion, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

Article VI. Purchases and Contracts; Sale of Property.

Section 6.1. Purchases and Contracts. All purchases of apparatus, supplies, materials and equipment and all contracts for construction or repair work shall be made in accordance with applicable provisions of the General Statutes.

Section 6.2. Disposal of Surplus Personal Property. The city councilmen shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the board has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the board may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00) provided, that all such bids received shall be recorded on the minutes of the board;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand

dollars ($2,000.00); provided, that all such sealed bid proposals shall be opened in public and recorded on the minutes of the board.

Section 6.3. Power to Convey Real Property, Etc. The City shall have the power at all times to sell or exchange any real property belonging to the City after having advertised the same once a week for four consecutive weeks in a newspaper published in the county, following the procedure prescribed by the general laws of the State for the foreclosure of mortgages and deed of trust under the power of sale contained therein; provided, that before any bid shall be deemed accepted or any sale made, or title passed by virtue of such sale, such sale shall be confirmed by the city council and the council may in its discretion, refuse confirmation, and when so authorized, a deed for such real estate may be executed by the mayor and attested by the city clerk, with the corporate seal of the City attached; provided, however, this shall not apply to plots in the cemetery except as to the manner of execution of the deed. In the sale of real estate the City is authorized to execute deeds in the usual form and containing full covenants of warranty.

Article VII. Police.

Section 7.1. Jurisdiction Extended.

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Section 7.2. Effect of Ordinances on City Property. All applicable ordinances of the City shall have full force and effect upon and within all city-owned property and facilities, whether located within or outside the corporate limits.

Article VIII. Subdivision Control.

Section 8.1. Platting Authority. The city councilmen are hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article lying within the City or within one mile in any direction of the corporate limits and not located in any other municipality. In the event of land lying outside the City within one mile of the corporate limits and lying also within the subdivision control jurisdiction of another municipality, the jurisdiction of the City shall terminate at a boundary line equidistant from the corporate limits of the City and the corporate limits of the other municipality.

Section 8.2. Adoption of Ordinance; Procedure. Before the board shall adopt a subdivision control ordinance or any amendment thereto, it shall hold a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published within the City, or if no newspaper is so published, by posting such notice at four public places in the City. The notice shall be published the first time, or posted,

not less than 15 nor more than 25 days prior to the date fixed for the hearing.

Section 8.3. Approval, Filing and Recordation of Plats. If the board adopts an ordinance regulating the subdivision of land, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the board and such approval entered in writing on the plat by the city clerk; provided, that a copy of such ordinance shall be filed with the Register of Deeds of Caldwell County. The register of deeds upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the City as herein defined without the approval of such plat by the board. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the City as herein defined. The Clerk of Superior Court of Caldwell County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Section 8.4. Subdivision Regulations. Prior to exercising the powers granted by this Article, the board shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 8.1 of this Article. The ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study, recommendation and tentative approval to the board or to the planning board or commission.

The ordinance may provide for the orderly development of the City and its environs; for the coordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservations of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

The ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies and standards established by the board and, to assure compliance with such requirements, the ordinance may require the posting of bond or other such method as shall offer guarantee of compliance.

Section 8.5. Effect of Plat Approval on Status of Dedications. The approval of a plat by the board shall not be deemed to constitute or effect the acceptance by the City or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Section 8.6. Penalties for Transferring Lots in Unapproved Subdivisions. If the board adopts an ordinance regulating the subdivision of land as authorized by this Article, any person, who, being the owner or agent of the owner of any land located within the platting jurisdiction of the City as defined by Section 8.1 of this Article, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the board and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City, through the city attorney or other official designated by the board, may enjoin such transfer or sale by action for injunction.

Section 8.7. Definitions. For purposes of this Article, a "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

(a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in its subdivision regulations;

(b) The division of land into parcels greater than five acres where no street right of way dedication is involved;

(c) The public acquisition by purchase of strips of land for the widening or opening of streets;

(d) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the City, as shown in its subdivision regulations.

Sec. 2. The purpose of this Act is to revise the Charter of the City of Lenoir and to consolidate herein certain Acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 4. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 5. (a) All existing ordinances and resolutions of the City of Lenoir, and all existing rules or regulations of departments or agencies of the City of Lenoir, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Lenoir or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 6. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

S. B. 298 CHAPTER 488

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BLADEN COUNTY, IN THEIR DISCRETION, TO APPROPRIATE FUNDS AND TO LEVY A TAX FOR THE SUPPORT AND MAINTENANCE OF A LIBRARY IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Bladen County is hereby authorized and empowered, in its discretion, to levy and cause to be collected annually, at the same time and in the same manner as the general county taxes are levied and collected, a special tax of not more than five cents (5¢) on each one hundred dollars ($100.00) valuation of property in said county, the same when collected to be applied to the establishment, support, upkeep and maintenance of a public library for Bladen County, which library is operated for the benefit of the public in Bladen County, or for the establishment, support, upkeep and maintenance of a joint library established for Bladen County and one or more municipalities within Bladen County. The Board of Commissioners of Bladen County, in its discretion, may appropriate monies from the general fund of Bladen County for the establishment, support, upkeep and maintenance of such public library for Bladen County or such joint library established for Bladen County and one or more municipalities. The appropriations and taxes for the purposes hereinbefore provided are hereby declared to be for a necessary expense and for a special purpose, within the meaning of the

Constitution of North Carolina, and for which the special approval of the General Assembly is hereby given. It shall be valid and binding without a vote of the majority of the qualified voters of Bladen County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 420

CHAPTER 489

AN ACT AMENDING G. S. 90-230 AND G. S. 90-231 RELATING TO THE PRACTICE OF DENTAL HYGIENE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-230, as the same appears in Replacement 1965 Volume 2C, is amended by deleting therefrom "§ 90-41" and substituting in lieu thereof "Chapter 150 of the General Statutes".

Sec. 2. G. S. 90-231(2), as the same appears in the 1965 Supplement of Volume 2C, is amended by striking therefrom the words and numbers "five dollars ($5.00)" and substituting in lieu thereof the following: "not to exceed twenty-five dollars ($25.00), which fee shall be annually fixed by the Board; and not later than November 30 of each year, the Board shall give notice of the amount of the renewal fee to each dental hygienist licensed to practice in the State of North Carolina".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 565

CHAPTER 490

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 95 OF THE GENERAL STATUTES RELATING TO BOILER CERTIFICATE AND INSPECTION FEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 95-64 is hereby amended by striking out the words and figures "one dollar ($1.00)" in the tenth line and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 2. G. S. 95-64.1 is hereby amended by striking out the words and figures "one dollar ($1.00)" in the third line of paragraph (4) of subsection (b) and inserting in lieu thereof the words and figures "two dollars ($2.00)".

Sec. 3. G. S. 95-68 is hereby amended by rewriting all of said Section to read as follows:

"G. S. 95-68. Fees for Internal and External Inspection. The person using, operating or causing to be operated any boiler listed in this Section,

required by this Article to be inspected by the chief boiler inspector or a deputy inspector, shall pay to the inspector, for the inspection of any such boiler, fees in accordance with the following schedule:

Miniature boilers, which do not exceed 16 inches inside diameter of shell, 100 pounds per square inch maximum allowable working pressure:

General inspection	$ 6.00

Fire tube boilers with hand holes only:

Internal inspection	7.00
External inspection while under pressure	5.00

Fire tube boilers with manholes:

Internal inspection	15.00
External inspection while under pressure	5.00

Water tube boilers (coil type):

General inspection	7.00

Water tube boilers with not more than 500 square feet of heating surface:

Internal inspection	7.00
External inspection while under pressure	5.00

Water tube boilers with more than 500 but not more than 3000 square feet of heating surface:

Internal inspection	15.00
External inspection while under pressure	5.00

Water tube boilers with more than 3000 square feet of heating surface:

Internal inspection	25.00
External inspection while under pressure	8.00

Provided, that two dollars ($2.00) of each internal inspection fee shall be the fee for the certificate of inspection required by G. S. 95-64. The inspector shall give receipts for said fees and shall pay all sums so received to the Commissioner of Labor, who shall pay the same to the Treasurer of the State. The Treasurer of the State shall hold the fees collected under this Section and under G. S. 95-64 in a special account to pay the salaries and expenses incident to the administration of this Article, the surplus, with the approval of the Director of the Budget, to be added to the appropriation of the Division of Standards and Inspections of the Department of Labor for its general inspection service."

Sec. 4. G. S. 95-68.1 is hereby amended by rewriting all of said Section to read as follows:

"G. S. 95-68.1. Other Inspection Fees. The person using, operating or causing to be operated any low pressure steam heating boiler, hot water heating boiler, hot water supply boiler, or hot water supply tank, fired or unfired, required by this Article to be inspected by the chief boiler inspector or a deputy inspector, shall pay to the inspector for the biennial inspection of any such boiler or tank fees in accordance with the following schedule: Provided that two dollars ($2.00) of each inspection fee shall be the fee for the certificate of inspection required by G. S. 95-64.1:

Low pressure steam and hot water boilers, equipped only with hand holes and washout plugs	$ 6.00

Low pressure steam and hot water boilers, equipped with manhole 15.00
Hot water supply boilers 4.00
Tanks that are not equipped with manhole 4.00
Tanks equipped with manhole ..... 8.00".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 658 CHAPTER 491

AN ACT TO FIX THE SALARY OF THE SHERIFF OF HAYWOOD COUNTY; AUTHORIZE THE APPOINTMENT AND FIX THE COMPENSATION OF SALARIED DEPUTY SHERIFFS; AND PRESCRIBE TRAVEL ALLOWANCES FOR SAID SHERIFF'S OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Haywood County shall receive an annual salary of seven thousand two hundred dollars ($7,200.00), payable in 12 equal monthly installments, from the general fund of the county. In addition to this salary, said sheriff shall receive one thousand dollars ($1,000.00) per year for travel expenses, said amount to be paid monthly from the general fund of the county.

Sec. 2. The Sheriff of Haywood County is hereby authorized to appoint seven salaried deputy sheriffs, one of whom shall reside in Waynesville Township and one of whom shall reside in Beaverdam Township. The five remaining deputies shall be selected by the sheriff, in his discretion, from among the citizens of Haywood County at large. One of the deputies shall be appointed by the sheriff to be chief deputy and the salary for such chief deputy shall be established by the sheriff at not less than three hundred dollars ($300.00) per month and not more than four hundred twenty-five dollars ($425.00) per month. The six remaining deputy sheriffs shall be paid not less than two hundred seventy-five dollars ($275.00) per month each, and not more than four hundred dollars ($400.00) per month each. Each of the seven deputy sheriffs so appointed shall receive a car allowance of one hundred twenty-five dollars ($125.00) per month.

Sec. 3. In addition to the travel allowance for the sheriff herein-above set forth, the sheriff and his salaried deputies shall be allowed travel expenses in the amount of seven cents (7¢) per mile while traveling on official business outside the limits of Haywood County when such travel is for the purpose of transporting prisoners to prison, mental patients to State hospitals, juvenile offenders to State correctional institutions, or, when such travel is undertaken upon the request of a Judge or Solicitor of the Superior Court, or a Judge or Solicitor of a District Court. Claims for travel expenses under this paragraph must be supported by such evidence as may be required by the Board of County Commissioners.

Sec. 4. The Sheriff of Haywood County is authorized to employ an office deputy, in addition to the seven deputies hereinabove authorized, who

shall receive a salary, to be established by the sheriff, not to exceed three hundred fifty dollars ($350.00) per month. Each of the deputy sheriffs, including the office deputy, shall be paid a uniform allowance of one hundred dollars ($100.00) per year.

Sec. 5. All laws and clauses in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 659 CHAPTER 492

AN ACT RELATING TO THE SALARY OF THE FULL-TIME CHAIRMAN OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 77 of the 1963 Session Laws is hereby repealed.

Sec. 2. Section 3 of Chapter 173, Session Laws of 1959, is hereby rewritten to read as follows:

"Sec. 3. Beginning on July 1, 1967, the salary of the full-time chairman of the Board of Commissioners of Haywood County, acting in the capacity of county manager and performing the duties of tax supervisor of said county, shall be seventy-two hundred dollars ($7200.00) per year, to be paid in equal monthly installments from the general fund of the county."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 660 CHAPTER 493

AN ACT TO PROVIDE FOR THE EMPLOYMENT AND COMPENSATION OF A JAILER FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The sheriff of Haywood County is hereby authorized and directed to appoint a jailer for said county. The jailer of Haywood County shall receive an annual salary not to exceed two hundred dollars ($200.00) per month, payable monthly, from the general fund of the county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification, but the authority herein granted, including the compensation herein authorized, shall be retroactive to January 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 661 **CHAPTER 494**

AN ACT TO FIX THE SALARY OF THE TAX COLLECTOR OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 764, Session Laws of 1957, is hereby rewritten to read as follows:

"Section 1. The tax collector of Haywood County shall receive as compensation for his services a salary of six thousand four hundred dollars ($6,400.00) per year, to be paid in equal monthly installments from the general fund of the county."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 708 **CHAPTER 495**

AN ACT TO MAKE CERTAIN GENERAL STATUTES APPLICABLE TO HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9(52), as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out of the last sentence thereof the word "Harnett".

Sec. 2. G. S. 153-9(55), as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by striking out of the last paragraph thereof the word "Harnett".

Sec. 3. G. S. 153-9(47), as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by adding "Harnett", in its proper alphabetical order, to the list of counties to which the subdivision is applicable, which said list appears in the first sentence of the second paragraph thereof.

Sec. 4. G. S. 153-10.1, as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes, is hereby amended by inserting the word "Harnett", in its proper alphabetical order, in the list of counties to which the said Section is applicable, which said list appears in the last paragraph of the Section.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 714 **CHAPTER 496**

AN ACT AMENDING THE CHARTER OF THE TOWN OF CORNELIUS AS CONTAINED IN CHAPTER 367, PRIVATE LAWS OF 1905, AS AMENDED, RELATIVE TO THE COMPENSATION OF THE MAYOR AND OF THE MEMBERS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 16 of Chapter 367, Private Laws of 1905, relative to the Charter of the Town of Cornelius, is hereby amended by adding a new sentence to be inserted between the second and third sentences thereof, and reading as follows:

"For his services, the Mayor shall receive the sum of seven hundred dollars ($700.00) per year."

Sec. 2. Section 16 of Chapter 367, Private Laws of 1905, relative to the Charter of the Town of Cornelius, is hereby amended by striking out the last sentence of said Section, as added by Section 3, Session Laws of 1959, and inserting in lieu thereof the following:

"For their services, each member of the Board of Commissioners of said Town shall receive the sum of ten dollars ($10.00) for each regular or called meeting attended by him during his tenure in office."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 746 **CHAPTER 497**

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Chairman of the Board of County Commissioners of Northampton County shall be twelve hundred dollars ($1200.00) per year, payable in equal monthly installments, and the salary of the other members of the Board of County Commissioners of Northampton County shall be nine hundred dollars ($900.00) per year, payable in equal monthly installments.

Sec. 2. Chapter 926, Session Laws of 1963, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 762 **CHAPTER 498**

AN ACT RELATING TO THE COMPENSATION OF CERTAIN OFFICIALS OF VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "five thousand dollars ($5,000.00)" in lines 4 and 6 and inserting in lieu thereof the words and figures "five thousand four hundred fifty dollars ($5,450.00)", it being the intent and purpose of this Section to increase the salary of the Judge of the Vance County Recorder's Court to five thousand four hundred fifty dollars ($5,450.00) per year.

Sec. 2. Section of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "three hundred twenty-five dollars ($325.00)" in lines 3, 4, and 6 and inserting in lieu thereof the words and figures "three hundred fifty-seven dollars ($357.00)", it being the intent and purpose of this Section to increase the salary of the Prosecuting Attorney of the Vance County Recorder's Court to three hundred fifty-seven dollars ($357.00) per month.

Sec. 3. Section 3 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "three thousand two hundred fifty dollars ($3,250.00)" in lines 3, 5, and 6 and inserting in lieu thereof the words and figures "three thousand five hundred dollars ($3,500.00)", it being the intent and purpose of this Section to increase the salary of the Clerk of the Vance County Recorder's Court to three thousand five hundred dollars ($3,500.00) per year.

Sec. 4. Section 4 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "six thousand dollars ($6,000.00)" and "two thousand fifty dollars ($2,050.00)" in lines 4, 5, 6, 7, and 8, respectively, and inserting in lieu thereof the words and figures "six thousand five hundred dollars ($6,500.00)" and "two thousand three hundred dollars ($2,300.00)", respectively, it being the intent and purpose of this Section to increase the salary of the Sheriff of Vance County to six thousand five hundred dollars ($6,500.00) and the allowance for the expense in performing the duties of his office to two thousand three hundred dollars ($2,300.00) per year.

Sec. 5. Section 5 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "seven thousand five hundred dollars ($7,500.00)" in lines 3, 4, and 6 and inserting in lieu thereof the words and figures "eight thousand two hundred fifty dollars ($8,250.00)", it being the intent and purpose of this Section to increase the salary of the Register of Deeds of Vance County to eight thousand two hundred fifty dollars ($8,250.00) per year.

Sec. 6. Section 6 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "five thousand dollars ($5,000.00)" in lines 3, 4, and 6 and inserting in lieu thereof the words and figures "five thousand five hundred dollars ($5,500.00)", it being the intent and purpose of this Section to increase the salary of the Clerk of the Superior Court of Vance County to five thousand five hundred dollars ($5,500.00) per year.

Sec. 7. Section 7 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "nine hundred sixty dollars ($960.00)" and "one thousand eight hundred sixty dollars ($1,860.00)" in lines 4, 5, 7, 8, 9, and 10, respectively, and inserting in lieu thereof the words and figures "one thousand dollars ($1,000.00)" and "one thousand nine hundred dollars ($1,900.00)", respectively, it being the intent and purpose of this Section to increase the salary of the members of the County Commissioners of Vance County to one thousand dollars ($1,000.00) per year and increase the salary of the Chairman of the County Commissioners of Vance County to one thousand nine hundred dollars ($1,900.00) per year.

Sec. 8. Section 8 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "one thousand four hundred dollars ($1,400.00)" in lines 3, 5, and 6 and inserting in lieu thereof the words and figures "fifteen hundred dollars ($1500.00)", it being the intent and purpose of this Section to increase the salary of the Judge of Juvenile Court of Vance County to fifteen hundred dollars ($1500.00) per year.

Sec. 9. Section 9 of Chapter 862 of the Session Laws of 1965 is hereby amended by striking out the words and figures "one hundred seventy-five dollars ($175.00)" in lines 4, 6, and 7 and inserting in lieu thereof the words and figures "one hundred eighty-five dollars ($185.00)", it being the intent and purpose of this Section to increase the salary of the Constable of Henderson Township in Vance County to one hundred eighty-five dollars ($185.00) per month.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 780 CHAPTER 499

AN ACT TO EXPAND THE BOUNDARY LINES OF THE KINSTON CITY ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. The boundary lines of the Kinston City Administrative School Unit are hereby extended so as to embrace all territory annexed, and to be annexed, by the City of Kinston outside of and beyond the present Kinston City Administrative School Unit.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 788 **CHAPTER 500**

AN ACT PERTAINING TO ARTICLE 3, CHAPTER 139 OF THE GENERAL STATUTES, AS THE SAME RELATED TO A WATERSHED IMPROVEMENT PROGRAM IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Alexander County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special "Watershed Improvement Tax", not to exceed five cents (5¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes, is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 790 **CHAPTER 501**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF GOLDSTON IN CHATHAM COUNTY TO FIX THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE GOVERNING BODY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Goldston, in Chatham County, is hereby authorized to fix the salary of the mayor of the town in such amount as the governing body, by ordinance, shall determine. The mayor's salary shall not be increased or decreased during the term for which he is elected. The governing body, by ordinance, may establish a salary for its members and such salary may be reduced or increased, but no increase shall be effective during the term the increase is voted.

Sec. 2. All salaries and remunerations heretofore authorized and paid by the governing body of the Town of Goldston to the members of such body or the mayor, are hereby ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 813

CHAPTER 502

AN ACT AMENDING CHAPTER 446, SESSION LAWS OF 1963 RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1, line 4 of Chapter 446, Session Laws of 1963 is amended by striking therefrom the words and figures "twelve hundred dollars ($1200.00)" and substituting in lieu thereof "fifteen hundred dollars ($1500.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 844

CHAPTER 503

AN ACT TO GRANT THE POWER OF EMINENT DOMAIN AND THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Graham County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, for that purpose to levy, collect and expend funds derived from a special "watershed improvement tax", not to exceed ten cents (10¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. Section 2 of Chapter 794 of the Session Laws of 1961 is hereby amended by inserting the word "Graham" immediately before the word "Iredell" in line 1 thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 872 **CHAPTER 504**

AN ACT TO REPEAL CHAPTER 368 OF THE SESSION LAWS OF 1947 RELATING TO THE AUTHORITY OF PASQUOTANK COUNTY TO APPROPRIATE FUNDS FROM ALCOHOLIC BEVERAGE CONTROL STORE PROFITS TO INCREASE SALARIES OF PUBLIC SCHOOL TEACHERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 368 of the Session Laws of 1947 relating to the authority of the Board of Commissioners of Pasquotank County to appropriate funds to increase the salaries of teachers in the public schools of said county be and the same is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 873 **CHAPTER 505**

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY TO TRANSFER TO THE CITY OF ELIZABETH CITY THE INTEREST OF SAID COUNTY IN THE MUNICIPAL AIRPORT OPERATION.

The General Assembly of North Carolina do enact:

Section 1. In order to promote a more orderly and efficient operation of a Municipal Airport at the United States Coast Guard Air Base, the Board of Commissioners of Pasquotank County is hereby authorized to relinquish its entire responsibility and authority over said airport operation to the City of Elizabeth City and to transfer to said city its entire right, title and interest in and to the funds arising from the recent sale at the price of ninety-four thousand five hundred fifty dollars ($94,550.00) of certain real property, known as the airport property, which was jointly owned by the County of Pasquotank and the City of Elizabeth City, which said funds are held by the Pasquotank County-Elizabeth City Airport Commission for the construction and installation of a Municipal Airport Facility on U. S. Coast Guard Air Base property.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 896 CHAPTER 506

AN ACT TO AMEND G. S. 160-205 SO AS TO AUTHORIZE MUNICIPALITIES TO USE THE PROCEDURE PROVIDED IN ARTICLE 9 OF CHAPTER 136 OF THE GENERAL STATUTES AS SPECIFICALLY AUTHORIZED BY G. S. 136-66.3(c) IN ACQUIRING LANDS, EASEMENTS, PRIVILEGES, RIGHTS OF WAY AND OTHER INTERESTS FOR PUBLIC PURPOSES IN THE EXERCISE OF THE POWER OF EMINENT DOMAIN, AND PROVIDING THAT THIS ACT SHALL APPLY ONLY TO CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. Section 160-205 of the General Statutes of North Carolina is hereby amended by adding thereto as a separate paragraph the following words and figures:

"The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G. S. 136-66.3(c), shall be applicable in the case of acquisition by a municipal corporation of lands, easements, privileges, rights of way, and other interests in real property for any and all public purposes in the exercise of the power of eminent domain; and such municipal corporation seeking to acquire such property or rights or easements therein or thereto shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G. S. 136-66.3(c) and Article 9 of Chapter 136 of the General Statutes for any of said purposes without being limited to streets constituting a part of the State Highway System."

Sec. 2. This Act shall apply only to the City of Durham.

Sec. 3. All laws and clauses of law in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 909 CHAPTER 507

AN ACT TO FIX THE SALARIES OF THE CHAIRMAN AND MEMBERS OF THE WARREN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-29 is hereby amended by adding at the end of the first paragraph thereof:

"Provided that the Warren County Board of Education may fix the compensation for the chairman of the board not to exceed twenty dollars ($20.00) per diem and seven cents (7¢) per mile for each mile traveled in going to and from meetings of the board, and the compensation for the members of the board, other than the chairman, not to exceed fifteen dollars ($15.00) per diem and seven cents (7¢) per mile for each mile traveled in going to and from meetings of the board."

Sec. 2. All laws and clauses of laws in conflict herewith are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

H. B. 910

CHAPTER 508

AN ACT RELATING TO THE SALARIES OF CERTAIN OFFICIALS OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The officials of Franklin County shall be paid annual salaries as set out in the schedule below:

Clerk of the Superior Court	$7,000.00
Assistant Clerk of the Superior Court	4,150.00
Deputy Clerk of the Superior Court	3,600.00
Additional Deputy Clerk of the Superior Court	3,300.00
Register of Deeds	6,200.00
First Assistant Register of Deeds	3,650.00
Second Assistant Register of Deeds	3,350.00
Sheriff	6,400.00
Deputy Sheriff No. 1	4,800.00
Deputy Sheriff No. 2	4,400.00
Deputy Sheriff No. 3	4,400.00
Judge of the Recorder's Court	4,000.00
Solicitor of the Recorder's Court	3,600.00
Coroner	950.00

The Sheriff of Franklin County is hereby authorized, in his discretion, to appoint one or more deputy sheriffs in addition to those listed above and to fix their compensation, but the total compensation to be paid such additional deputy sheriff or deputy sheriffs shall not exceed a total of four thousand dollars ($4,000.00) per year.

The salary provided above for the Clerk of the Superior Court shall constitute the total compensation for the Clerk of the Superior Court for the performance of all his duties including those of serving as Judge of the Juvenile Court and Clerk of the Recorder's Court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of May, 1967.

S. B. 111

CHAPTER 509

AN ACT TO AMEND G. S. 20-7(b), G. S. 20-7(i) AND G. S. 20-7(m) PROVIDING BETTER IDENTIFICATION OF MOTOR VEHICLE OPERATORS BY REQUIRING PHOTOGRAPHS OF LICENSEES ON OPERATOR'S OR CHAUFFEUR'S LICENSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-7(i), as same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by striking out in

lines 1 and 2 thereof the words and figures "two dollars and fifty cents ($2.50)" and inserting in lieu thereof the words and figures "three dollars and twenty-five cents ($3.25)"; and by striking out in line 3 thereof the words and figures "four dollars ($4.00)" and inserting in lieu thereof the words and figures "four dollars and seventy-five cents ($4.75)".

Sec. 2. G. S. 20-7(m), as same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "licensee" and immediately before the word "and" in line 2 thereof the following: "and color photograph of the licensee of a size approved by the Commissioner."

Sec. 3. G. S. 20-7(f), as same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting on line 15 thereof, after the word "examination" and before the word "ordinarily", the words "and color photograph".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 17th day of May, 1967.

H. B. 394 CHAPTER 510

AN ACT TO AMEND G. S. 20-179 (DRUNK DRIVING—THIRD OFFENSE) TO CLARIFY THE PROVISIONS FOR PUNISHMENT CONTAINED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-179, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting after the word "court" at the end thereof the following words "not to exceed two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1967.

H. B. 587 CHAPTER 511

AN ACT REWRITING PART 8, ARTICLE 34, CHAPTER 106 RELATING TO THE DISEASE OF BRUCELLOSIS (BANG'S DISEASE) IN ANIMALS.

The General Assembly of North Carolina do enact:

Section 1. Part 8, Article 34, Chapter 106 of the General Statutes is rewritten in its entirety to read as follows:

"§ 106-388. Animals Affected With, or Exposed to, Brucellosis Declared Subject to Quarantine, etc. It is hereby declared that the disease of animals known as Brucellosis, or Bang's disease, is of an infectious and contagious nature, and animals affected with, or exposed to, or suspected of being carriers of the disease, shall be subject to quarantine and the rules and regulations of the Department of Agriculture.

"§ 106-389. Brucellosis Defined; Cooperation With the U. S. Department of Agriculture. Brucellosis shall mean the disease wherein an animal is infected with Brucella organisms (including Brucella Abortus, B. Melitensis and B. Suis), irrespective of the occurrence or absence of abortion or other symptoms. An animal shall be declared affected with Brucellosis if it is classified as a reactor to a serological test for the disease, or if the Brucella organism has been found in the body, its secretions or discharges. The State Veterinarian is hereby authorized and empowered to set up a program for the vaccination of calves in accordance with the recommendations of the Brucellosis Committee of the U. S. Livestock Sanitary Association, and approved by the U. S. Department of Agriculture, when in his opinion vaccination is necessary for the control and eradication of Brucellosis. Vaccinated animals shall be permanently identified by tattooing or other methods approved by the Commissioner of Agriculture. Above the ages designated by regulation of the Board of Agriculture, all such vaccinates classified as reactors on an official test for Brucellosis, shall be considered as affected with Brucellosis and shall be branded with the letter 'B' in accordance with § 106-390. It shall be unlawful to sell, offer for sale, distribute, or use Brucellosis vaccine or any product containing live Brucella organisms, except as provided for in regulations adopted by the Board of Agriculture.

"The control and eradication of Brucellosis in the herds of North Carolina shall be conducted as far as available funds will permit, and in accordance with the rules and regulations made by the Board of Agriculture. The Board of Agriculture is hereby authorized to cooperate with the U. S. Department of Agriculture in the control and eradication of Brucellosis.

"§ 106-390. Blood Sample Testing; Diseased Animals to be Branded and Quarantined; Sale; Removal of Identification, etc. All blood samples for the Brucellosis test shall be drawn by persons whose qualifications are set by regulation of the Board of Agriculture. Animals from which blood is collected for a Brucellosis test shall be identified by numbered ear tag, tattoo, or other manner approved by the Commissioner of Agriculture. It shall be the duty of the individual who collects the blood sample, or other designated authorized person, to brand all cattle affected with Brucellosis with the letter 'B' on the left hip or jaw, not less than three or more than four inches high, tag such animals with an approved Brucellosis reactor ear tag, and report the same to the State Veterinarian. Cattle affected with Brucellosis, and those believed by the State Veterinarian or his authorized representative to have been exposed to the disease, shall be quarantined on the owner's premises or at such other place as is mutually agreeable to the owner and the State Veterinarian or his authorized representative. No animal affected with, or exposed to, Brucellosis shall be sold, traded or otherwise disposed of except for immediate slaughter, and it shall be the duty of the person disposing of such infected animals to see that they are promptly slaughtered and a written report of same made to the State Veterinarian, provided that the Commissioner of Agriculture may permit movement of valuable animals classified as reactors, suspects or exposed directly into infected herds or to other premises under quarantine.

"All cattle, swine, sheep, goats or other animals subject to infection by Brucella organisms, sold, or offered at public sale, except for immediate slaughter, shall be subject to test requirements established by the Board of Agriculture.

"No ear tag, back tag, or other mark of identification approved by the Commissioner of Agriculture for identifying animals for the purpose of Brucellosis testing, including testing at slaughter plants, shall be removed from the animal without authorization from the State Veterinarian or his authorized representative.

"§ 106-391. Civil Liability of Vendors. Any person, or persons, who knowingly sells, or otherwise disposes of, to another, an animal affected with Brucellosis shall be liable in a civil action to any person injured, and for any and all damages resulting therefrom.

"§ 106-392. Sales by Nonresidents. When cattle are sold, or otherwise disposed of, in this State, by a nonresident of this State, the person or persons on whose premises the cattle are sold, or otherwise disposed of, with his knowledge and consent, shall be equally responsible for violations of §§ 106-388 to 106-398 and the regulations of the Department of Agriculture.

"§ 106-393. Duties of State Veterinarian; Quarantine of Animals; Required Testing. When the State Veterinarian receives information, or has reasonable grounds to believe, that Brucellosis exists in any animal, or animals, or that it has been exposed to the disease, he shall promptly cause said animal, or animals, to be quarantined on the premises of owner or such other place as is mutually agreeable to the owner and the State Veterinarian or his authorized representative. Said animals shall not be removed from premises where quarantined until quarantine has been released by State Veterinarian or his authorized representative. A permit to move such infected or exposed animals to immediate slaughter may be issued by the State Veterinarian or his authorized representative. The Board of Agriculture is empowered to make regulations to provide for compulsory testing of animals for Brucellosis.

"§ 106-394. Cooperation of County Boards of Commissioners. The several boards of county commissioners in the State are hereby expressly authorized and empowered within their discretion to make such appropriations from the general funds of their county as will enable them to cooperate effectively with the State and United States Departments of Agriculture in the eradication of Brucellosis in their respective counties.

"§ 106-395. Compulsory Testing. Whenever a county board of commissioners shall cooperate with the State and the United States Governments, as provided for in §§ 106-388 to 106-398, the testing of all cattle in said county shall become compulsory, and it shall be the duty of the cattle owners to give such assistance as may be necessary for the proper testing of said cattle.

"§106-396. Authority to Promulgate and Enforce Rules and Regulations. The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations as may be necessary to carry out the provisions of §§ 106-388 to 106-398, and for the effective control and eradication of Brucellosis.

"§ 106-397. Violation Made Misdemeanor. Any person or persons who shall violate any provision set forth in §§ 106-388 to 106-398, or any rule or regulation duly established pursuant to this Article by the State Board of Agriculture or any inspector who shall wilfully fail to comply with any provisions of §§ 106-388 to 106-398, shall be guilty of a misdemeanor.

"§ 106-398. Punishment for Sale of Animals Known to be Infected, or Under Quarantine. Any person or persons who shall wilfully and knowingly sell or otherwise dispose of any animal or animals known to be affected with Brucellosis, or under quarantine because of suspected exposure to Brucellosis, except as provided for in §§ 106-388 to 106-398, shall be guilty of a misdemeanor, and punishable by a fine of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00), or imprisoned for a term of not less than 30 days or more than two years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect 90 days after ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1967.

H. B. 789 CHAPTER 512

AN ACT TO REWRITE G. S. 146-24 (c) TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO ACQUIRE LAND BY CONDEMNATION IN THE MANNER DESCRIBED BY ARTICLE 9 OF CHAPTER 136 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 146-24 (c) is hereby rewritten to read as follows: "(c) If negotiations for the purchase of the land are unsuccessful, or if the State cannot obtain a good and sufficient title thereto by purchase from the owners, then the Department of Administration may request permission of the Governor and Council of State to exercise the right of eminent domain and acquire any such land by condemnation in the same manner as is provided for the State Highway Commission by Article 9 of Chapter 136 of the General Statutes. Upon approval by the Governor and Council of State, the Department may proceed to exercise the right of eminent domain. Approval by no other State agency shall be required as a prerequisite to the exercise of the power of eminent domain by the Department.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall not apply to pending litigation.

Sec. 4. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 17th day of May, 1967.

S. B. 25 **CHAPTER 513**

AN ACT TO REMOVE RESTRICTIONS ON THE USE OF AIRPLANES BY THE STATE HIGHWAY PATROL.

The General Assembly of North Carolina do enact:

Section 1. The State Highway Patrol is hereby permitted the use of airplanes to discover violations of Part 10 of Article 3 of Chapter 20 of the General Statutes relating to operation of motor vehicles and rules of the road; provided, however, neither the observer nor the pilot shall be competent to testify in any court of law in a criminal action charging violations of General Statutes 20-141, 20-141.1, and 20-144. It is hereby declared the public policy of North Carolina that the airplanes should be used primarily for accident prevention and should also be used incident to the issuance of warning citations in accordance with the provisions of General Statute 20-183.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 186 **CHAPTER 514**

AN ACT AMENDING ARTICLE 17 OF CHAPTER 66 RELATING TO CLOSING-OUT SALES SO AS TO MAKE SAID ARTICLE APPLICABLE TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-84 is amended by inserting after the word "Robeson" and before the word "Sampson" in line 6 thereof the word "Rockingham."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 247 **CHAPTER 515**

AN ACT TO AUTHORIZE THE TOWN OF WAXHAW TO SELL CERTAIN REAL ESTATE AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any provisions of G. S. 160-59, the Board of Commissioners of the Town of Waxhaw is hereby authorized to sell and convey at private sale those certain tracts or parcels of land lying within or near the Town of Waxhaw, being more particularly described as follows:

FIRST TRACT: Beginning at an iron stake in the old line at the South end of Cemetery Street and runs South 44¼ degrees East 247 feet to an iron stake; thence East 125 feet to an iron stake; thence South 295

feet to an iron stake; thence West 295 feet to an iron stake; thence North 295 feet to an iron stake; thence North 44¼ degrees West 244 feet to an iron stake in the old line; thence with said line North 71 East 115⅓ feet to an iron stake about 40 feet from the beginning; thence North 44¼ degrees West about 1275 feet to an iron stake in the South edge of College Street; thence with said street North 45¾ degrees East 40 feet to an iron stake; thence South 44¼ degrees East 1288 feet to the beginning, containing nearly four acres, and being the lands conveyed by Billue, et al, to the Town of Waxhaw by deed recorded in Book of Deeds 51, at page 208, in the office of the Register of Deeds of Union County. Reference is also made to a Deed of Correction recorded in Deed Book 51, at page 261, dated July 24, 1916.

SECOND TRACT: Beginning at an iron stake in the southeast corner of South Side Cemetery plot and runs North 9.3 degrees West with said plot 295.7 feet to an iron stake; thence North 81.15 degrees East 210 feet to an iron stake in a hollow; thence South 9.3 degrees East 452.3 feet to an iron stake; thence North 78.2 degrees West 225 feet to the beginning, and containing 1.6 acres, more or less, and being the lands conveyed by Mrs. Ellie Billue to the Town of Waxhaw by deed dated April 23, 1941 and recorded in Book of Deeds 97, at page 107, in the office of the Register of Deeds of Union County.

THIRD TRACT: Beginning at an iron stake on the North line of Cemetery Street, a corner of the cemetery lot lands, and runs thence with the North line of said street and said cemetery lands North 81 degrees 30 minutes East 335 feet to an iron in the intersection of Cemetery Street and another street running almost due South through the cemetery property; thence continuing with the said Cemetery Street, South 78 degrees 15 minutes East 225 feet to a stake, the old corner of the cemetery property; thence South 73 degrees 45 minutes East 134 feet to an iron on the corner of the 3/10ths acre tract; thence with a line of the Billue lands South 74 degrees 45 minutes West 666 feet to an iron; thence North 9 degrees 30 minutes West 214 feet to the beginning corner, consisting of two tracts of land, the first consisting of 1.38 acres and the second of .30 acres, making a total of 1.68 acres of land and embraced within the boundaries hereinabove described is a street bounding the two parcels of land on the North. And being the lands conveyed by M. F. Starnes and wife, Lorene Starnes, to the Town of Waxhaw by deed dated July 1, 1960 and recorded in Book of Deeds 162, at page 279, in the office of the Register of Deeds of Union County.

Sec. 2. With respect to the sale and conveyance of land by the Town of Waxhaw as authorized by this Act, the provisions of subsections (a) and (b) of G. S. 160-61.1 shall be applicable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 282 **CHAPTER 516**

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS FOR THE COUNTY OF McDOWELL TO FIX THE COMPENSATION OF THE JUDGE AND THE PROSECUTING ATTORNEY OF THE COUNTY CRIMINAL COURT OF McDOWELL COUNTY, WITHIN CERTAIN DEFINITE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. The Judge of the County Criminal Court of McDowell County shall receive as compensation for services rendered in such capacity an annual salary to be fixed by the Board of Commissioners for said county in an amount of not less than three thousand two hundred dollars ($3,200.00), nor more than five thousand three hundred dollars ($5,300.00), payable monthly out of the general funds of said county.

Sec. 2. The Prosecuting Attorney of the County Criminal Court of McDowell County shall receive as compensation for services rendered in such capacity an annual salary to be fixed by the Board of Commissioners for said county in an amount of not less than two thousand six hundred dollars ($2,600.00), nor more than four thousand five hundred dollars ($4,500.00), payable monthly out of the general funds of said county.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 296 **CHAPTER 517**

AN ACT RELATING TO THE POWERS OF ASSISTANT AND DEPUTY CLERKS OF THE GENERAL COUNTY COURT OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-274 is hereby amended by adding the following sentence to the end thereof:

"Whenever the Clerk of the Superior Court acts ex officio as Clerk of the General County Court, any Assistant Clerk or Deputy Clerk of the Superior Court in his office shall have power and authority to take affidavits, issue civil process, administer oaths to witnesses and to perform any other duty in connection with said court under the direction of the Clerk of the Superior Court, and for the acts of said Assistant or Deputy Clerk, the Clerk of the Superior Court shall be liable on his official bond to the same extent that he would have been liable if he had done the act himself; provided, however, that this sentence shall apply only to Buncombe County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 339 **CHAPTER 518**

AN ACT TO AMEND ARTICLE 20B OF CHAPTER 153 OF THE GENERAL STATUTES, RELATING TO ZONING, SO AS TO MAKE IT APPLICABLE TO CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-266.22, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is hereby amended by deleting the word "Cumberland" in line 2 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 381 **CHAPTER 519**

AN ACT TO AUTHORIZE MANUFACTURERS A REIMBURSEMENT OF AN AMOUNT EQUIVALENT TO THE FRANCHISE TAX ON THE GROSS RECEIPTS FOR PIPED GAS USED AS AN INGREDIENT OR COMPONENT PART OF A MANUFACTURED PRODUCT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 105-116 is hereby amended by adding a new paragraph to be designated "(5)" and to read as follows:

"(5) As to gas companies, the gross receipts derived from sales of piped gas to manufacturers which is to be used as an ingredient or component of a manufactured product."

Sec. 2. Article 3 of Chapter 105 of the North Carolina General Statutes being the Franchise Tax Article is hereby amended by adding a new Section to be designated "§ 105-129.1" and to read as follows:

"§105-129.1. Reimbursement Authorized Certain Manufacturers. (a) Any person, firm, or corporation who shall buy within this State any piped gas from a gas company authorized to do business in this State and shall use such piped gas in this State as an ingredient or component part of a manufactured product shall be reimbursed in the amount equivalent to the franchise tax on the gross receipts for such piped gas. This reimbursement to be made upon the following conditions and in the following manner:

"(1) On or before the last day of January, April, July and October of each year the manufacturer entitled to a reimbursement under this Section shall apply to the Commissioner of Revenue for such reimbursement. Such application shall be made upon such forms as the Commissioner of Revenue shall prescribe and shall be for gas purchased during the three-month period ending on the last day of the month preceding the month in which the application for reimbursement is required to be filed.

"(2) The Commissioner of Revenue is hereby authorized to prescribe such rules and regulations as to how claims shall be filed and the infor-

mation that shall be submitted with said claims and the records required to support said claims.

"(3) If, upon filing such application, the Commissioner of Revenue shall be satisfied that the same is filed within the time limits prescribed herein and is made in good faith and that the gas upon which said reimbursement is requested has been or will be used as an ingredient or component part of a manufactured product, he shall issue the applicant a warrant upon the State Treasurer for the reimbursement.

"(4) Any applicant for a reimbursement may seek administrative review or appeal from the decision of the Commissioner of Revenue under the provisions of G. S. 105-241.2, 105-241.3 and 105-241.4.

"(5) The Commissioner of Revenue is hereby authorized and directed, if at any time in his opinion there is reason to doubt the accuracy of the facts set forth in any application for reimbursement to refer the matter to any agent of the Department of Revenue, and such person so designated shall make a careful investigation of all the facts and circumstances relating to said application in the use of the gas therein referred to, and shall have a right to have access to the books and records of any retailer or distributor of gas products for the purpose of obtaining the necessary information concerning such matters, and shall make due report thereof to the Commissioner of Revenue.

"(b) Any person making a false application or affidavit for the purpose of securing a reimbursement to which he is not entitled under the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars ($500.00) or imprisoned not exceeding two years, in the discretion of the court."

Sec. 3. Subsection (g) of G. S. 105-116 is hereby amended by adding at the end of the first paragraph thereof the following: "Provided, that in determining the amount to be distributed to a municipality pursuant to this subsection, 'gross receipts' shall mean gross receipts less receipts from sales of piped gas to manufacturers for use as an ingredient or component part of a manufactured product."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 395 CHAPTER 520

AN ACT TO AMEND CHAPTER 243 OF THE PUBLIC-LOCAL LAWS OF 1911 AS PERTAINING TO THE RECORDER'S OF CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 243 of the Public-Local Laws of 1911 as amended are hereby further amended so as to provide:

(a) that the Recorder's Court of Cleveland County may sit in any public building in Cleveland County; and

(b) that cases involving trial by jury shall not be heard in this Court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification of this Act.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 424 CHAPTER 521

AN ACT TO AMEND ARTICLE 20B OF CHAPTER 153 OF THE GENERAL STATUTES, RELATING TO COUNTY ZONING AND BUILDING REGULATIONS, SO AS TO MAKE THE SAME APPLICABLE TO CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-266.22, as the same appears in the 1965 Supplement to Volume 3C of the General Statutes, is hereby amended by deleting from line 2 the word "Craven".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. B. 149 CHAPTER 522

AN ACT TO AMEND ARTICLE 4A OF CHAPTER 14 OF THE GENERAL STATUTES RELATING TO SECRET SOCIETIES AND ACTIVITIES.

The General Assembly of North Carolina do enact:

Section 1. Article 4A of Chapter 14 of the General Statutes of North Carolina as the same appears in the 1965 Cumulative Supplement, Volume 1B of the General Statutes, is hereby amended by renumbering G. S. 14-12.12 to read: "G. S. 14-12.12 (a)."

Sec. 2. Article 4A of Chapter 14 of the General Statutes of North Carolina as the same appears in the 1965 Cumulative Supplement, Volume 1B of the General Statutes, is hereby amended by adding a new subsection to G. S. 14-12.12(a) and to read as follows:

"(b) It shall be unlawful for any person or persons to place or cause to be placed on the property of another in this State or on a public street or highway, a burning or flaming cross or any manner of exhibit in which a burning or flaming cross real or simulated, is a whole or a part, with the intention of intimidating any person or persons or of preventing them from doing any act which is lawful, or causing them to do any act which is unlawful."

Sec. 3. Article 4A of Chapter 14 of the General Statutes of North Carolina as the same appears in the 1965 Cumulative Supplement, Volume 1B of the General Statutes is hereby amended by rewriting G. S. 14-12.14 to read as follows:

"§ 14-12.14. Placing Exhibit While Wearing Mask, Hood, or Other Disguise. It shall be unlawful for any person or persons, while wearing a mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, to place or cause to be placed at or in any place in the State any exhibit of any kind whatsoever, with the intention of intimidating any person or persons, or of preventing them from doing any act which is lawful, or of causing them to do any act which is unlawful."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. B. 363 CHAPTER 523

AN ACT TO AMEND G. S. 15-222 SO AS TO CLARIFY THE PROCEDURE FOR REVIEW OF POST-CONVICTION PROCEEDINGS BY CERTIORARI.

The General Assembly of North Carolina do enact:

Section 1. G. S. 15-222 is hereby rewritten to read as follows: "§ 15-222. Review by Application for Certiorari. Any final judgment entered upon such a petition and proceeding may be reviewed by the Supreme Court of North Carolina upon application by the petitioner or by the State for a writ of certiorari brought within 60 days from the entry of the judgment in such proceeding. A petitioner who seeks review of such a judgment may apply to the judge hearing the proceeding or to any judge having jurisdiction of the proceeding for the appointment of counsel for the purpose of seeking such review, and the judge, if he is satisfied that the petitioner is unable to employ counsel, shall appoint counsel to represent petitioner for that purpose. If the State seeks review of any such judgment the court shall appoint counsel to represent an indigent petitioner, unless petitioner waives the appointment of counsel. Counsel appointed to represent an indigent petitioner in any such review shall be compensated in accordance with the provisions of G. S. 15-5, such compensation to be paid by the State.

If the judge is satisfied that a petitioner is unable to procure the records required for an adequate and effective consideration by the Supreme Court of an application for writ of certiorari, he shall order the county to make available such records, including the transcript.

The law of this State governing the application, granting and disposition of writs of certiorari shall be applicable to any application for writ of certiorari brought under the provisions of this Article for the purpose of seeking a review of such judgment or proceeding."

Sec. 2. Effective October 1, 1967, the words "Court of Appeals" shall be substituted in lieu of the words "Supreme Court" in § 15-222.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. B. 914 CHAPTER 524

AN ACT TO PERMIT TERMS OF COURT IN WILSON COUNTY TO BE HELD IN TEMPORARY QUARTERS DURING THE RENOVATION OF THE WILSON COUNTY COURTHOUSE.

The General Assembly of North Carolina do enact:

Section 1. Terms of the Superior Court of Wilson County, terms of the General County Court of Wilson County, and terms of such other courts inferior to the Superior Court which might be established in Wilson County may be held in such places as shall be designated by the Board of Commissioners of Wilson County while the Wilson County Courthouse is being remodeled to provide additional courtroom space during the period between the ratification of this Act and the first day of February, 1969.

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. B. 938 CHAPTER 525

AN ACT TO AMEND CHAPTER 755, PUBLIC-LOCAL LAWS OF 1915, AS AMENDED, AND CHAPTER 557, PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, RELATING TO THE PROSECUTING ATTORNEY OF THE WAKE FOREST RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 755, Public-Local Laws of 1915 and Chapter 557, Public-Local Laws of 1939 are hereby amended by adding a new Section to Chapter 557, under Chapter C, relating to elections, following Section 5, to be designated and to read as follows:

"Sec. 6. Notwithstanding any other provisions of law, in the event a prosecuting attorney be not elected as provided above, and as provided elsewhere in the laws relating to the Wake Forest Recorder's Court, the Board of Commissioners of the Town of Wake Forest are authorized and directed to appoint a prosecuting attorney who shall be a duly licensed attorney at law, and who shall be a resident of Wake County, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. B. 235 CHAPTER 526

AN ACT TO AMEND CHAPTER 31, SESSION LAWS OF 1963, TO PROVIDE COMPENSATION OF THE MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 31, Session Laws of 1963, is hereby amended by deleting, in line 3, the words and figures "fifteen dollars ($15.00)" and inserting in lieu thereof the words and figures "twenty dollars ($20.00)".

Sec. 2. Section 2 of Chapter 31, Session Laws of 1963, is hereby amended by deleting, in line 2, the words and figures "twenty dollars ($20.00)" and inserting in lieu thereof the words and figures "twenty-five dollars ($25.00)".

Sec. 3. The Board of County Commissioners is hereby authorized, in its discretion, to pay the compensation allowed in Sections 1 and 2 of this Act, retroactive to December 1, 1966.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 236 CHAPTER 527

AN ACT TO FIX THE COMPENSATION OF THE CORONER OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Coroner of Camden County shall receive a salary of thirty dollars ($30.00) per month, payable from the general fund of the County. The Board of County Commissioners is hereby authorized, in its discretion, to pay the above compensation retroactive to December 1, 1966.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 237 **CHAPTER 528**

AN ACT TO AMEND GS 153-48.5, SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY TO FIX COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-48.5 is hereby amended by inserting in line 3, immediately after the word "Caldwell", the word "Camden".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 244 **CHAPTER 529**

AN ACT TO AMEND CHAPTER 312, SESSION LAWS OF 1965, AUTHORIZING AN EXPENSE ALLOWANCE FOR THE SHERIFF OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 312, Session Laws of 1965, is hereby rewritten to read as follows:

"Sec. 3. The provisions of this Act shall be retroactive so as to authorize the payment of the fifty dollars ($50.00) additional compensation, beginning with the month of December, 1966, and each succeeding month thereafter. The Board of County Commissioners of Camden County is hereby authorized to increase, decrease or terminate the said compensation, in its discretion, by resolution duly adopted."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 311 **CHAPTER 530**

AN ACT FIXING THE COMPENSATION OF THE BOARD OF EDUCATION OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. As compensation for their services on the Board of Education of Camden County, the members of said Board, with the exception of the chairman of said Board, shall receive the sum of fifteen dollars ($15.00) per day for attendance upon meetings or for each day spent in the discharge of their official duties, and in addition thereto, such members shall receive travel allowances at the rate of seven cents (7¢) per mile while traveling on official business from their respective homes to the place of meeting of the Board and return, said distance to be computed by the usual route of public travel.

Sec. 2. The chairman of the Board of Education of Camden County shall receive the sum of twenty dollars ($20.00) per day for attendance upon meetings of the Board of Education or for each day spent in the discharge of his official duties, together with mileage as provided for other members of said Board.

Sec. 3. To the extent that Chapter 70 of the 1955 Session Laws is in conflict herewith, said Act is repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 349 CHAPTER 531

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF TARBORO AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Tarboro is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF TARBORO

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The Town of Tarboro shall continue to be a body politic and corporate under the name of the Town of Tarboro, and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be given, devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature; provided, however, that no sale of any part of the town common lying North of Saint Joshua or Wilson Streets shall be valid unless made in pursuance of special powers given hereafter by the General Assembly; and provided further, that no use or occupation of any portion of said town commons, by way of easement or otherwise, shall ever give any right by prescription.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Tarboro

shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Sec. 1.4. Form of Government; Certain General Laws Not Applicable. The form of government of the Town of Tarboro shall be the Council-Manager form, as specified in this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes as now written or hereafter amended shall be applicable to the Town of Tarboro.

"ARTICLE II. CORPORATE BOUNDARIES AND WARDS

"Section 2.1. Existing and Corporate Boundaries. The corporate boundaries of the Town of Tarboro shall be as follows until changed in accordance with law: Beginning at the mouth of Hendricks Creek on Tar River; thence up said creek to the southern right of way line of the old East Carolina Railroad; thence along and with the southern right of way line of said railroad the following courses and distances: South 87 degrees 06 minutes West 100 feet, South 77 degrees 57 minutes West 208.9 feet, South 67 degrees 42 minutes West 1,522 feet, South 69 degrees 50 minutes West 253 feet, South 74 degrees 10 minutes West 188.5 feet, South 76 degrees 06 minutes West 80 feet, South 77 degrees 17 minutes West 100 feet, South 79 degrees 25 minutes West 1,525.0 feet, South 77 degrees 17 minutes West 100 feet, South 73 degrees 55 minutes West 100 feet, South 70 degrees 49 minutes West 100 feet, South 67 degrees 49 minutes West 100 feet, South 64 degrees 42 minutes West 100 feet, South 62 degrees 13 minutes West 100 feet, South 58 degrees 35 minutes West 100 feet, South 55 degrees 42 minutes West 100 feet, and South 52 degrees 55 minutes West 100 feet to the intersection of said railroad right of way line with the western right of way line of Saint James Street, Extended, (U. S. Highway No. 258), cornering; thence running along and with the western right of way line of said Saint James Street, Extended, North 22 degrees 16 minutes East 543.0 feet to the southeastern corner of the property described in a deed to Billy D. Dew recorded in Book 712, page 141 of the Edgecombe Public Registry, cornering; thence running along and with the southern property line of said property described in said deed, North 67 degrees 25 minutes West 210.0 feet, cornering; thence running North 22 degrees 35 minutes East 390.0 feet to the southern property line of Tom Walters, cornering; thence running along and with said Walters southern property line North 67 degrees 25 minutes West 660.4 feet to the center line of a small creek sometimes known as Holly's Creek and which empties into Hendricks Creek, thence down the center and with the meanders of said creek the following courses and distances: North 26 degrees 42 minutes East 92.85 feet, North 37 degrees 38 minutes East 240.9 feet, South 47 degrees 16 minutes East 168.76 feet, North 81 degrees 22 minutes East 133.65 feet, North 20 degrees 51 minutes East 230.0 feet, North 84 degrees 48 minutes East 109.9 feet and North 69 degrees 11 minutes East 112.58 feet to the intersection of the western property line of Beverly Bridgers Short and the center of said creek, cornering; thence running along and with the western property line of Beverly Bridgers Short and across Wilson Street, Extended, North 25

degrees 20 minutes West 591.0 feet to a point 200 feet North of the northern right of way line of Wilson Street, Extended, cornering; thence running in a line parallel to and 200 feet North from the northern right of way line of Wilson Street, Extended, North 64 degrees 40 minutes East 1,862.3 feet to the property line of Hilma Park, cornering; thence along and with the property line of Hilma Park the following courses and distances: North 18 degrees 43 minutes West 63.7 feet, North 65 degrees 02 minutes East 143 feet, North 16 degrees 17 minutes East 81 feet, North 65 degrees 17 minutes East 130 feet and North 0 degrees 32 minutes East 815 feet to a stake on Hendricks Creek, thence up the center and with the meanders of said creek to a point 130 feet South of the center line of Howard Avenue, thence running parallel to Howard Avenue South 73 degrees 33 minutes West 644.3 feet, and South 71 degrees 20 minutes West 646.36 feet to the center line of a small run, thence along and up the center of said run, being the rear property line of lots facing Howard Avenue which comprise Block H as the same appears on a map of Speight Forest recorded in Map Book 9, page 13, Edgecombe Public Registry, the following courses and distances: South 44 degrees 54 minutes West 150.6 feet, South 77 degrees 25 minutes West 75.4 feet, South 47 degrees 24 minutes West 165.2 feet, South 57 degrees 07 minutes West 236.2 feet, South 48 degrees 25 minutes West 133.5 feet, South 68 degrees 26 minutes West 158.2 feet, South 75 degrees 47 minutes West 257.8 feet, North 66 degrees 10 minutes West 296.8 feet, North 88 degrees 23 minutes West 87.2 feet, South 57 degrees 55 minutes West 63.8 feet, North 85 degrees 35 minutes West 154.2 feet, South 57 degrees 40 minutes West 146.3 feet, South 61 degrees 53 minutes West 72.0 feet and South 39 degrees 27 minutes West 195.9 feet to a point 240 feet South of the center line of Howard Avenue, thence South 71 degrees 31 minutes West continuing with the South property line of lots facing Howard Avenue, crossing Meredith Avenue, a total distance of 1,051.3 feet to the southwest corner of Lot 43 of Block G of Speight Forest as the same appears on a map of Speight Forest recorded in Map Book 9, page 13, Edgecombe Public Registry, thence running along and with the western line of said Lot 43 of Block G North 18 degrees 29 minutes West 10 feet, cornering; thence South 71 degrees 31 minutes West 280 feet to the southwest corner of the property described in a deed to Billy David Doughtie recorded in Book 651, page 328, Edgecombe Public Registry, thence along the western property line of said Doughtie property North 18 degrees 29 minutes West 200 feet to the southern right of way line of Howard Avenue, Extended, thence along the said southern right of way line of Howard Avenue, Extended, South 71 degrees 31 minutes West 668.0 feet, cornering; thence crossing Howard Avenue and continuing along the eastern line of Van Anderson and the western line of Speight Forest as the same appears on maps recorded in Map Book 9, page 27 and Map Book 7, page 58, Edgecombe Public Registry, North 04 degrees 54 minutes East 2,279.8 feet to the northwest corner of Lot 52 Block N of Speight Forest as the same appears on a map recorded in Map Book 9, page 27, Edgecombe Public Registry, cornering; thence running along the southern line of Van Anderson and the northern line of Speight Forest as the same appears on said map recorded in Map Book 9, page 27, Edgecombe Public

Registry, the following courses and distances: North 86 degrees 09 minutes East 253.0 feet, North 85 degrees 43 minutes East 74.2 feet, North 79 degrees 21 minutes East 201.8 feet, North 74 degrees 28 minutes East 100.1 feet, North 73 degrees 02 minutes East 200.1 feet, North 71 degrees 36 minutes East 200.0 feet, and North 71 degrees 29 minutes East 349.75 feet to the southwest corner of lot 16 of Block X of Speight Forest subdivision as the same appears on a map recorded in Map Book 11, page 1, of the Edgecombe Public Registry; thence along and with the western line of said Block X North 35 degrees 07 minutes East 1,461.5 feet to the southern right of way line of Sunset Avenue, if extended, thence along and with the western line of Greenfield Subdivision North 35 degrees 35 minutes East 597.02 feet and North 5 degrees 28 minutes East 262.5 feet to a stake set in concrete on the South side of North Carolina State Road No. 1215, thence crossing said road North 5 degrees 02 minutes East 30 feet, thence in a line parallel to the Atlantic Coast Line Railroad tracks South 77 degrees 49 minutes East 192 feet, thence crossing said railroad North 12 degrees 52 minutes East 999.4 feet to the northern property line of the F. S. Royster Fertilizer Company, thence along this line and the line of the old Southern Cotton Oil Company South 50 degrees 18 minutes East 268 feet and South 52 degrees 03 minutes East 346.7 feet to the land of the C. J. Austin Estate, thence with the Austin line and the line of the old Southern Cotton Oil Company South 40 degrees 39 minutes East 173.7 feet, South 49 degrees 25 minutes East 497.2 feet and South 46 degrees 13 minutes East 528.2 feet to the northern right of way line of the Atlantic Coast Line Railroad; thence along and with the northern right of way line of said railroad in an easterly direction to the eastern right of way line of Cedar Street, thence along and with the eastern right of way line of Cedar Street North 39 degrees 09 minutes West 274 feet to a four-inch steel pipe in a corner of Lot 43 of Fairview Park as the same appears on a map recorded in Map Book 7, page 1, Edgecombe Public Registry, thence North 8 degrees 33 minutes East 841.9 feet to a point in the northern right of way line of Hope Lodge Street, said point being located North 68 degrees 23 minutes East 33.2 feet from the southeast corner of the property of Mayo Knitting Mills, Inc., thence along the northern right of way line of Hope Lodge Street South 68 degrees 23 minutes West 33.2 feet to the southeast corner of the property of Mayo Knitting Mills, Inc., thence with the eastern property line of the Mayo Knitting Mills, Inc., being also the western right of way line of Austin Street, North 21 degrees 37 minutes West 650 feet, cornering; thence with the northern line of the Mayo Knitting Mills, Inc., South 68 degrees 23 minutes West 404.4 feet, cornering; thence with the western line of Mayo Knitting Mills, Inc., South 21 degrees 37 minutes East 650 feet to the northern right of way line of Hope Lodge Street, cornering; thence along the northern right of way line of Hope Lodge Street South 68 degrees 23 minutes West 1,112.5 feet to the West property line of North Tarboro School, thence along the western property line of the North Tarboro School North 21 degrees 37 minutes West 1,088 feet, cornering; thence North 68 degrees 23 minutes East along the northern property line of North Tarboro School 800 feet to a stake in the eastern property line of the North Tarboro School, thence North 68 degrees 23 minutes East

1,162.5 feet, cornering; thence running in a line parallel to and 660 feet from U. S. Highway No. 64 and 200 feet West of Sherwood Avenue North 21 degrees 35 minutes West 1,573.82 feet to the point of curvature of a curve with a left deflection of 35 degrees 29 minutes, a tangent distance of 249.68 feet, and a radius of 780 feet; thence with said curve in a northerly direction a curve distance of 428.75 feet to the point of tangency of said curve; thence running in a line parallel to and 660 feet South of U. S. Highway No. 64 and 200 feet South of Sherwood Avenue North 57 degrees 04 minutes West 3,518.55 feet to a point in the common property line of David R. Sugg, and Austin Property, cornering; thence and along with the said Austin property line North 38 degrees 56 minutes East, continuing to the northern right of way line of U. S. Highway No. 64, a corner with the property of Edgecombe County, a total distance of 724.4 feet, thence along and with the western line of said county property, North 39 degrees 01 minute East 1,807.0 feet to the southern bank of the Tar River, cornering; thence along the southern bank of the Tar River South 68 degrees 38 minutes East 426.0 feet, cornering; thence continuing with the Edgecombe County property line the following courses and distances: South 39 degrees 01 minute West 813.0 feet, South 60 degrees 59 minutes East 335.0 feet, South 50 degrees 59 minutes East 203.0 feet, North 39 degrees 01 minute East 164.4 feet, South 56 degrees 59 minutes East 700.0 feet and South 39 degrees 01 minute West 534.4 feet to the northern property line of the Tarboro Professional Building, Inc., thence along and with said northern property line South 56 degrees 59 minutes East 300.0 feet, to the northeast corner of the Tarboro Professional Building, Inc., cornering; thence with the eastern line of the Tarboro Professional Building, Inc., South 39 degrees 01 minute West 150.0 feet to the northwest corner of Lot 1 of the Elizabeth H. Baker Heirs Subdivision as the same appears on a map recorded in Map Book 13, page 8, Edgecombe Public Registry, cornering; thence along and with the northern line of said Lot 1 South 52 degrees 42 minutes East 235.56 feet to the western line of Brandon Avenue, thence South 39 degrees 44 minutes East 81.25 feet to the eastern line of Brandon Avenue, thence with the northern line of Lot 1, Block C, of Section 2 of Belvedere Subdivision, as the same appears on a map recorded in Map Book 11, page 141, of the Edgecombe Public Registry, South 86 degrees 44 minutes East 132.4 feet to the northwest corner of the lot described in a deed to H. V. Vick, et ux, recorded in Book 693, page 357, Edgecombe Public Registry, thence with the northern line of said Vick lot South 57 degrees 06 minutes East 129.05 feet to the western right of way line of Foxhall Drive, thence South 37 degrees 25 minutes East 63.55 feet to the eastern line of Foxhall Drive, thence running along and with the lines of Sections 1 and 2 of Belvedere Subdivision as shown on maps recorded in Map Book 10, page 56, and Map Book 11, page 141, Edgecombe Public Registry, the following courses and distances: South 56 degrees 55 minutes East 853.0 feet, North 33 degrees 35 minutes East 172.0 feet, North 39 degrees 26 minutes East 180.04 feet, North 48 degrees 25 minutes East 122.0 feet, North 68 degrees 19 minutes East 144.0 feet and North 84 degrees 29 minutes East 228.0 feet crossing St. Andrews Street Extended (N. C. Highway No. 44) to its eastern

property line, cornering; thence with the eastern line of St. Andrews Street South 05 degrees 28 minutes East 1,109.55 feet, cornering; thence running in a line parallel to and 200 feet North of State Road 1518 (also known as Northern Boulevard) North 75 degrees 53 minutes East 2,390.0 feet, cornering; thence South 15 degrees 57 minutes East 260.15 feet to the southern line of said State Road 1518 (Northern Boulevard) at the northeast corner of Lot 1 of Block M of Extension No. 7 of Lyndale Acres as the same appears on a map recorded in Map Book 12, page 78, Edgecombe Public Registry, thence running along and with the eastern line of Lyndale Development Corporation, South 15 degrees 57 minutes East 1,928.8 feet to a stake in the southeast corner of the property of Lyndale Development Corporation described in a deed recorded in Book 648, page 611, Edgecombe Public Registry, cornering; thence running South 07 degrees 50 minutes East 1,079.82 feet to the southern right of way line of Daniels Street, being a corner with the Leggett & Harris Enterprise's property, thence along the western line of the Leggett & Harris Enterprise's property and the line of the Town of Tarboro Park property continuing across the Atlantic Coast Line Railroad to the southern right of way line of said Railroad, South 39 degrees 28 minutes East 850.0 feet, thence along the southern right of way line of the Atlantic Coast Line Railroad North 50 degrees 32 minutes East 293.3 feet to the northeastern corner of Lot 5 of Section 2 of Forest Acres Subdivision as the same appears on a map recorded in Map Book 12, page 39, Edgecombe Public Registry, thence with the eastern property line of said Lot 5 South 39 degrees 28 minutes East 163.0 feet to the northern right of way line of Forest Acres Drive, thence South 87 degrees 37 minutes East 89.95 feet to the southern right of way line of Forest Acres Drive, thence along the eastern property line of the said Section 2 of Forest Acres Subdivision the following courses and distances: South 39 degrees 28 minutes East 300.0 feet, South 69 degrees 44 minutes East 69.44 feet, South 39 degrees 28 minutes East 660.1 feet, South 20 degrees 30 minutes East 858.8 feet and South 11 degrees 45 minutes East 404.6 feet to the center line of the East Tarboro Drainage Canal, thence down the center and with the meandering of the said East Tarboro Drainage Canal the following courses and distances: North 68 degrees 57 minutes East 1,198.4 feet, South 73 degrees 10 minutes East 91.2 feet, South 48 degrees 12 minutes East 109.2 feet, South 61 degrees 48 minutes East 364.4 feet, South 80 degrees 29 minutes East 144.4 feet, South 77 degrees 30 minutes East 94.6 feet, South 75 degrees 10 minutes East 63.9 feet, South 88 degrees 33 minutes East 86.0 feet, South 62 degrees 42 minutes East 84.9 feet, South 09 degrees 42 minutes East 98.7 feet, South 13 degrees 37 minutes West 717.9 feet, South 18 degrees 33 minutes West 90.4 feet, South 30 degrees 42 minutes West 121.3 feet, South 24 degrees 51 minutes West 155.6 feet, South 27 degrees 36 minutes West 653.0 feet, South 25 degrees 59 minutes West 506.2 feet and South 21 degrees 55 minutes West 74.9 feet to the northern line of the Panola Subdivision as shown on a plat recorded in Map Book 7, page 73, Edgecombe Public Registry, thence running along the northern lines of Lots 55-69, inclusive, of said subdivision, North 73 degrees 51 minutes East 371.9 feet to the northeast corner Lot 69 in said Panola Subdivision, cornering; thence along the

eastern line of said Lot 69 South 17 degrees 20 minutes East and continuing across St. James Street, Extended, 180.0 feet, to the southern property line of St. James Street, Extended, thence along the southern right of way line of St. James Street, Extended, South 73 degrees 51 minutes West 249.5 feet to the northeast corner of Lot 51 in said Panola Subdivision, cornering; thence along the eastern side of said Lot 51 South 17 degrees 20 minutes East 128.0 feet to the southeastern corner of said Lot 51, cornering; thence running along the southern property lines of Lots 51-37, inclusive, of said Panola Subdivision South 71 degrees 03 minutes West 388.0 feet to the center line of the East Tarboro Drainage Canal, thence down and with the meanders of the center line of said East Tarboro Drainage Canal the following courses and distances: South 25 degrees 32 minutes West 52.8 feet, South 64 degrees 45 minutes West 43.1 feet, North 77 degrees 30 minutes West 205.0 feet, South 70 degrees 40 minutes West 88.3 feet, South 39 degrees 36 minutes West 124.4 feet, South 57 degrees 04 minutes West 61.0 feet, South 46 degrees 14 minutes West 227.0 feet, South 51 degrees 11 minutes West 63.3 feet, South 46 degrees 51 minutes West 263.6 feet, South 20 degrees 24 minutes West 119.0 feet, South 43 degrees 16 minutes West 380.6 feet, South 27 degrees 00 minutes West 82.5 feet, South 35 degrees 44 minutes West, 165.3 feet, South 16 degrees 41 minutes West 71.0 feet, South 11 degrees 05 minutes East 343.0 feet, South 09 degrees 13 minutes East 133.0 feet, South 13 degrees 39 minutes East 132.5 feet, and South 12 degrees 45 minutes East 69.8 feet, to the intersection of the center of said East Tarboro Drainage Canal and the center of the old course of said Canal, thence with the center of the old East Tarboro Drainage Canal South 07 degrees 35 minutes East 34.4 feet, and South 13 degrees 59 minutes East 275.2 feet to the Tar River, thence down the various courses and distances of said river to the point of beginning.

"Sec. 2.2. Ward Boundaries. The town shall be divided into eight wards, bounded as follows:

First Ward: Beginning at the point formed by the intersection of the center line of Main Street and the center line of the Atlantic Coast Line Railroad Norfolk Branch Main track, thence in a westerly direction along the center line of said railroad to its intersection with the eastern right of way of Cedar Street, thence along the eastern line of Cedar Street in a northerly direction and with the town limits line and continuing with said town limits line to its intersection with the center line of Daniel Street, thence in a westerly direction along the center line of Daniel Street to its intersection with the center line of Panola Street, thence in a northerly direction along the center line of Panola Street to its intersection with the center line of Centre Street, thence in a westerly direction along the center line of Centre Street to its intersection with the center line of Main Street, thence in a southerly direction along the center line of Main Street to the point of beginning.

Second Ward: Beginning at a point in the town limits line, which point would be in the center of Railroad Street, if said street were extended in a northerly direction across the Atlantic Coast Line Railroad right of way to said town limits line, thence along the center line Railroad Street in a southerly direction crossing Fountain Street and

continuing in a southerly direction with the center line of Mill Street to the intersection of the center line of Mill Street and the center line of Linden Street, thence with the center line of Linden Street in a westerly direction to its intersection with the center line of Peach Street, thence with the center line of Peach Street in a southerly direction to its intersection with the center line of Howard Avenue, thence with the center line of Howard Avenue in a westerly direction to its intersection with the center line of Hendricks Creek, thence down Hendricks Creek in a southerly direction to a point which is 100 feet from Howard Avenue in a line measured perpendicular from said Howard Avenue, thence with the town limits line in a westerly direction and continuing the various courses and distances of said town limits line to the point of beginning.

Third Ward: Beginning at a point in the center line of Albemarle Avenue formed by the intersection of said center line and the northern line of Arlington, if extended in an easterly direction to the center of Albemarle Avenue, thence with the northern line of Arlington along a hedgerow and in a westerly direction to the center of Hendricks Creek, thence up the center of Hendricks Creek to its intersection with the center line of Howard Avenue, thence with the center line of Howard Avenue in an easterly direction to its intersection with the center line of Peach Street, thence with the center line of Peach Street in a northerly direction to its intersection with the center line of Linden Street, thence with the center line of Linden Street in an easterly direction to its intersection with the center line of Mill Street, thence with the center line of Mill Street in a northerly direction crossing Fountain Street and continuing with the center line of Railroad Street in a northerly direction to a point formed by the intersection of the town limits line and the center line of Railroad Street, if extended northerly across Atlantic Coast Line Railroad right of way to the town limits line, thence with the town limits line in an easterly direction to the eastern line of Cedar Street, thence with the eastern line of Cedar Street in a southerly direction to its intersection with the center line of the Atlantic Coast Line Railroad Norfolk Branch Main track, thence with the center line of said main track in an easterly direction to its intersection with the center line of the Atlantic Coast Line Railroad Plymouth Branch Main track, thence with the center line of the said Atlantic Coast Line Railroad Plymouth Branch Main track in a southerly direction and with the center line of Albemarle Avenue to the point of beginning.

Fourth Ward: Beginning at the mouth of Hendricks Creek on Tar River, thence with the town limits line up said creek and leaving said creek and continuing with the various courses and distances of said town limits line to its intersection with the center of Hendricks Creek, thence down and with the center of said Hendricks Creek to its intersection with the northern line of Arlington, thence with the northern line of Arlington along a hedgerow in an easterly direction to the point formed by the intersection of said northern line of Arlington and the center line of Albemarle Avenue, thence with the center line of Albemarle Avenue in a southerly direction to its intersection with the town limits line on Tar River, thence down Tar River with the town limits line to the point of beginning.

Fifth Ward: Beginning at a point in the town limits line on Tar River formed by the intersection of said town limits line and the center line of the Atlantic Coast Line Railroad Plymouth Branch Main track, thence with the center line of the Atlantic Coast Line Railroad Plymouth Branch Main track in a northerly direction and along the center line of Albemarle Avenue and continuing in a northerly direction with the center line of said Atlantic Coast Line Railroad Plymouth Branch Main track to its intersection with the center line of the Atlantic Coast Line Railroad Norfolk Branch Main track, thence with the center line of said Atlantic Coast Line Railroad Norfolk Branch Main track in an easterly direction to its intersection with the center line of St. Patrick Street, if said street were extended in a northerly direction to the center line of said Atlantic Coast Line Railroad Norfolk Branch Main track, thence in a southerly direction with the center line of St. Patrick Street so extended, to its intersection with the center line of Baker Street, thence with the center line of Baker Street in an easterly direction to its intersection with the center line of Panola Street, thence with the center line of Panola Street in a southerly direction to its intersection with the center line of Wilson Street, thence with the center line of Wilson Street in a westerly direction to its intersection with the center line of St. Andrew Street, thence with the center line of St. Andrew Street in a southerly direction to a point in the town limits line on Tar River, which point would be the intersection of the town limits line and the center line of St. Andrew Street if said street were extended in a southerly direction to said town limits line, thence down Tar River and with the town limits line to the point of beginning.

Sixth Ward: Beginning at the point in the town limits line on Tar River formed by the intersection of said town limits line and the center line of St. Andrew Street, if extended in a southerly direction to said town limits line, thence in a northerly direction with the center line of St. Andrew Street so extended to its intersection with the center line of Wilson Street, thence with the center line of Wilson Street in an easterly direction to a point in the town limits line formed by the intersection of said town limits line and the center line of Wilson Street, if extended in an easterly direction to the town limits line, thence with the town limits line in a generally southerly direction to Tar River and continuing with said town limits line down Tar River to the point of beginning.

Seventh Ward: Beginning at the point formed by the intersection of the center line of Panola Street and the center line of Baker Street, thence with the center line of Baker Street in an easterly direction to its intersection with the center line of Lloyd Street, thence with the center line of Lloyd Street in a northerly direction to its intersection with the center line of Elm Street, thence with the center line of Elm Street in an easterly direction to its intersection with the center line of East Street, thence in a northerly direction and with the center line of East Street, extended in a northerly direction to its intersection with the town limits line, thence with the town limits line in an easterly and southerly direction to its intersection with the center line of Wilson Street, if extended in an easterly direction to the town limits line, thence in a westerly direction with the center line of said Wilson Street, so extended, to its intersection

with the center line of Panola Street, thence with the center line of Panola Street in a northerly direction to the point of beginning.

Eighth Ward: Beginning at the point formed by the intersection of Baker Street and the center line of St. Patrick Street, thence with the center line of St. Patrick Street in a northerly direction to a point in the center line of the Atlantic Coast Line Railroad Norfolk Branch Main track formed by the intersection of the center line of said track and the center line of St. Patrick Street, if St. Patrick Street were extended in a northerly direction to said railroad, thence with the center line of said main track in a westerly direction to its intersection with the center line of Main Street, thence with the center line of Main Street in a northerly direction to its intersection with the center line of Centre Street, thence with the center line of Centre Street in an easterly direction to its intersection with the center line of Panola Street, thence with the center line of Panola Street in a southerly direction to its intersection with the center line of Daniel Street, thence with the center line of Daniel Street in an easterly direction to its intersection with the town limits line, thence with the town limits line in a generally southerly direction to the East Tarboro Drainage Canal, thence continuing with said canal and with said town limits line in an easterly direction to its intersection with the center line of East Street, if extended in a northerly direction to the town limits line, thence with the center line of East Street in a southerly direction to its intersection with the center line of Elm Street, thence with the center line of Elm Street in a westerly direction to its intersection with the center line of Lloyd Street, thence with the center line of Lloyd Street in a southerly direction to its intersection with the center line of Baker Street, thence with the center line of Baker Street in a westerly direction to the point of beginning.

"Sec. 2.3. Alteration of Ward Boundaries. In addition to the power granted by G. S. 160-2(11), the Town Council shall have the power at any time to adjust or alter the boundaries of the several wards for the purpose of maintaining substantial equality of population among the wards. In the event any member of the Town Council shall become domiciled in a different ward as a result of adjustment or alteration of ward boundaries, he shall continue as a member from the ward which he was elected to represent until the expiration of the term for which he was elected.

"ARTICLE III. MAYOR AND TOWN COUNCIL

"Sec. 3.1. Composition of Town Council. The Town Council shall consist of eight members, one to be elected by and from the qualified voters of each ward in the manner provided by Article IV. All the legislative and policy making powers of the town shall be vested in the Town Council.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the town voting at large in the manner provided by Article IV. The Mayor shall be the official head of the town government and shall preside at all meetings of the Town Council. Where there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by

the general laws of North Carolina, by this Charter, and by the ordinances of the town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the Town Council shall serve for terms of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.

"(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Town Council or to serve in such capacity, unless he is a resident and a qualified voter of the town.

"(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected. Except as provided in Section 2.3 of Article II, removal of any Councilman from the ward in which he resided at the time of his election shall ipso facto create a vacancy in the office of Councilman from such ward.

"Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Town Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Town Council may establish a salary for its members which may be increased or reduced, but no increase or reduction shall be made to take effect as to any Councilman during the respective term of office which he is serving at the time the increase or reduction is voted.

"Sec. 3.5. Organization of Board; Oaths of Office. The Town Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take and subscribe before the Town Clerk, a magistrate, or the Clerk of Superior Court, and have entered upon the minutes of the Council the following oath of office: 'I, ...', do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.6. Meetings of Town Council. The Town Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting; provided, the same is set forth in the call of such special meeting.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative votes of a majority of the members of the Town Council present or, in the case of an equal division between the Councilmen present, of the Mayor and one half of the members of the Town Council present, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter; provided, however, that no ordinance making a grant, renewal, or extension of any franchise or special privilege affecting the use of the streets, alleys, or other public property of the town shall be effective until voted on at two regular meetings, and no such ordinance shall be voted on the second time until a public notice setting forth the principal provisions of the same shall have been published once at least 15 days prior to the day of the second vote in a newspaper having general circulation in the town. The yeas and nays shall be taken upon all bond, budget and franchise ordinances and resolutions and entered upon the minutes of the Council, and shall likewise be taken and entered on other matters if called for by the Mayor or any two members of the Town Council. The enacting clause of all ordinances shall be: 'Be it ordained by the Town Council of the Town of Tarboro'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"Sec. 3.9. Effect of Ordinances on Town Property. All applicable ordinances of the town shall have full force and effect upon and within all property and facilities owned by the town, whether located within or outside the corporate limits.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. The regular municipal elections shall be held on Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by and from the qualified voters of the town voting at large a Mayor to serve for a term of two years or until his successor is elected and qualified, and there shall be elected by and from the qualified voters of each of the wards a Councilman to serve for a term of two years, or until his successor is elected and qualified.

"Sec. 4.2. Voting. Each voter shall be entitled to vote for one candidate for Mayor, and for one candidate for Councilman from his respective ward. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected, and the candidate for Councilman from each ward who receives the largest number of votes cast for Councilman from his respective ward shall be declared elected.

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman, in order to have his name appear on the official ballots, shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days and not later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for election to the office of ....., to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Tarboro, residing at .....

(Signature)

Witness:..... .....

(Date)

.....'

No person shall be eligible to be a candidate for Mayor and a candidate for Councilman in the same election.

"Sec. 4.4. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

"ARTICLE V. TOWN MANAGER

"Sec. 5.1. Appointment; Compensation. The Town Council shall appoint an officer whose title shall be Town Manager, who shall be the administrative head of the town government, and shall be responsible for the administration of all departments. The Town Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the town, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the Town Council shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Town Council and shall receive such salary as the Council shall fix. In case of absence or disability of the Manager, the Council may designate a qualified administrative officer of the town to perform the duties of the Manager during such absence or disability.

"Sec. 5.2. Chief Administrator. The Town Manager shall be responsible to the Town Council for the proper administration of all the affairs of the town. As chief administrator, the Town Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the town, except the Town Attorney, who shall be appointed as provided in Section 6.1 of this Charter. Neither the Mayor nor the Town Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from office by the Town Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of

the town. Except for the purpose of inquiry, and except in the event of emergency, the Mayor and the Town Council and its members shall deal with officers and employees in the administrative service only through the Town Manager, and neither the Mayor nor the Town Council nor any of its members shall give orders or directions to any subordinate of the Town Manager, either publicly or privately.

"Sec. 5.3. Duties of Town Manager. It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town; to see that the ordinances, resolutions, and regulations of the Town Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the Town Council concerning the affairs of the town as he shall deem expedient; to keep the Town Council advised of the financial condition and the future financial needs of the town; to attend all meetings of the Town Council and to prepare and submit to the Council such reports as he may deem expedient or as may be required of him by the Council; and to perform all other duties as may be required of him by the Town Council.

"ARTICLE VI. TOWN ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Term; Compensation. The Town Council shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the town during his tenure. The Town Attorney shall serve at the pleasure of the Town Council and shall receive such compensation as the Council shall determine.

"Sec. 6.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the town; to advise the Mayor, Town Council, Town Manager, and other town officials with respect to the affairs of the town; to draw legal documents relating to the affairs of the town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend all meetings of the Town Council; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"Sec. 6.3. Assistant Town Attorney. The Town Council may appoint one or more Assistant Town Attorneys to assist the Town Attorney and serve in his absence or incapacity and who shall have the same qualifications and duties as the Town Attorney. The Assistant Town Attorneys shall serve at the pleasure of the Town Council and shall receive such compensation as the Town Council shall determine.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council and to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the Town Manager may direct.

"Sec. 7.2. Town Treasurer. The Town Manager may appoint a Town Treasurer who shall be the custodian of all moneys of the town, and shall keep and preserve the same in such place or places as shall be determined

by the Town Council. He shall countersign all vouchers issued by the Town Accountant and shall pay out money only on such vouchers. In addition, he shall perform all other duties as may be prescribed by law or assigned to him by the Town Manager.

"Sec. 7.3. Town Tax Collector. The Town Manager shall appoint a Tax Collector to collect all taxes, licenses, fees and other moneys due or belonging to the town, subject to the provisions of this Charter and the ordinances of the town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities, and the collection of other moneys and revenue due the town.

"Sec. 7.4. Town Accountant. The Town Manager shall appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Sec. 7.5. Consolidation of Functions. The Town Manager may, with the approval of the Town Council, consolidate any two or more of the positions of Town Clerk, Town Treasurer, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Town Manager may also, with the approval of the Town Council, appoint a single employee to perform all or any part of the functions of any of the named positions, in lieu of appointing several persons to perform the same; provided, however, the positions of Town Treasurer and Town Accountant may not be held by the same person.

"Sec. 7.6. Assistant Clerk, Treasurer; Deputy Tax Collector. The Town Manager may appoint an Assistant Town Clerk, an Assistant Town Treasurer, and a Deputy Tax Collector.

"ARTICLE VIII. FINANCE AND TAXATION

"Sec. 8.1. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the town government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the town or of any of its officers. The Town Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the town, and may be published if so ordered by the Town Council.

"Sec. 8.2. Delinquent Taxes to General Fund. The Town Council may, in its discretion, direct the payment into the general fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the second fiscal year following the fiscal year for which they were levied.

"Sec. 8.3. Appropriations for Industrial Development. The Town Council is hereby authorized to appropriate annually a sum not to exceed ten thousand dollars ($10,000.00) from any source of revenue other than funds derived from taxation, for the purpose of obtaining or aiding and encouraging the locating in or near the Town of Tarboro or in Edgecombe County of manufacturing, industrial, business and commercial plants and enterprises, the agricultural development of Edgecombe County, the ad-

vertising of the suitability of the town and county and the advantages it has to offer in connection with the foregoing and for such other purposes as will in the opinion of the Council increase the population, taxable property values and the general and material welfare of the town and county. Such expenditures for the purposes herein authorized are hereby declared to be for a lawful public purpose.

"Sec. 8.4. Appropriations for Historical Purposes; Historical Commission. The Town Council is hereby authorized to appropriate funds from any source of revenue other than funds derived from taxation, for the purpose of improving, maintaining, and operating one or more municipally owned buildings or grounds having historical significance as an historical site or museum. The Council is authorized to create by ordinance an Historical Commission which may function as an advisory body to the Council; or the Council may, in its discretion, authorize such Historical Commission to maintain and operate historical sites or buildings in any manner that the Council may determine.

"ARTICLE IX. DISPOSAL OF PROPERTY

"Sec. 9.1. Disposal of Surplus Personal Property. The Town Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Council has declared to be surplus property, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

"(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council;

"(c) to the highest bidder upon receipt of sealed bids after public notice thereof has been published one time in some newspaper having general circulation in the town at least seven days prior to the date of opening the bids, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

"ARTICLE X. POLICE

"Sec. 10.1. Jurisdiction Extended.

"(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, but excluding and not including any area within the corporate limits of the Town of Princeville, and all members of the police force shall have within such territory all rights, power and authority which they have within the corporate limits.

"(b) The jurisdiction of the police force is hereby extended to include all property and facilities owned by the Town whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Sec. 10.2. Service of Process. Every police officer of the Town shall have power to execute, anywhere within Edgecombe County, any writ, precept, or process, either civil or criminal, which shall be directed to him or to the Chief of Police by any court of the State.

"ARTICLE XI. STREET IMPROVEMENTS

"Sec. 11.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

"Sec. 11.2. When Petition Unnecessary. The Town Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

"(a) That the street improvement project does not exceed 3000 lineal feet, and

"(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

"(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

"(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Sec. 11.3. Street Improvement Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right of way, and the construction or reconstruction of curbs, gutters and street drainage facilities, and including legal and engineering fees, charges, and costs.

"Sec. 11.4. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Town Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 11.5. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

"ARTICLE XII. ESTABLISHMENT OF PROPOSED STREET LINES

"Sec. 12.1. Authority to Establish Proposed Street Lines. Whenever, in the opinion of the Town Council, it is in the best interest of the Town to do so, the Council may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets,

and for the gradual or immediate acquisition of the lands necessary for such improvements, in accordance with the procedure established by this Article.

"Sec. 12.2. Platting of Proposed Street Lines. From and after the time of adoption of a major street plan by the Town Council and the State Highway Commission pursuant to provisions of G. S. 136-66.2, the Town Council shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the town and the area within one mile outside of its corporate boundaries. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

"Sec. 12.3. Adoption of Official Map; Hearing; Notice. Following the preparation of such plats, the Town Council may officially adopt a map or maps of planned new streets and highways, extensions, widening, narrowing, or vacations of streets within the town and the area within one mile outside of its corporate boundaries. Before taking any such action, the Council shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper having general circulation in the town. Said notice shall be posted, and published for the first time, not less than fifteen days prior to the date fixed for said hearing. Following adoption of such a map or maps the Council shall certify a copy thereof to the Register of Deeds of Edgecombe County, which copy shall show the name or names of the owners of property affected, or to be affected thereby as nearly as may be determined, and shall state the purpose of said map and shall refer to this Article of the Charter of the Town of Tarboro, which copy shall be duly filed by said Register of Deeds and shall be indexed under the name of the Town of Tarboro and be indexed or cross indexed under the names of each of said property owners. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

"Sec. 12.4. Right to Acquire Property Before Improvement. From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the line of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the Town Council shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this Article. To that end, the owner or any person proposing to build upon such land or to make repairs or improvement to any existing building on such land shall, in writing, notify the Town Council in person or by attorney at a regular meeting, or by

registered letter addressed to the Town Manager of the nature and estimated cost of such building, repairs, or improvements. The Council shall then determine whether it will take the necessary steps to acquire said land prior to construction of said building or the making of said repairs or improvements. If the Council fails, within sixty days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice freed of the restraint of said map. The Building Inspector is authorized to withhold and refrain from issuing, for a period not exceeding sixty days from receipt by the Council of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

"Sec. 12.5. Failure to Give Notice Bars Recovery for Value of Improvements. If any person, firm or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the Town Council an opportunity to acquire said property free from improvements, as provided in Section 12.4 of this Article, the Council shall not be required to pay for the value of said building, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

"Sec. 12.6. Failure to Act no Limit to Subsequent Condemnation. The failure of the Town Council to take action under Section 12.4 of this Article within sixty days after notice shall not have the effect of limiting the right of the Council at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the Council to take action within the prescribed period.

"ARTICLE XIII. SIDEWALKS

"Sec. 13.1. Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general laws to the town for making sidewalk improvements, the Town Council is hereby authorized to order to be made or to make sidewalk improvements or repairs according to standards and specifications of the town, and to assess the total cost thereof against abutting property owners; provided, however, that the Council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street. In ordering sidewalk improvements or repairs under authority of this Section, the Town Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof. The effect of levying assessments under authority of this Section shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

"Sec. 13.2. Maintenance of Sidewalks. It shall be the duty of every property owner in the town to maintain in good repair and to keep clean

and free of debris, trash, and other obstacles or impediments the sidewalks abutting his property.

"Sec. 13.3. Town May Repair or Clean; Charges. The Town Council may by ordinance establish a procedure whereby town forces may repair or clean any sidewalk or remove therefrom any debris or trash after failure of the abutting property owner after ten days notice to do so. In such event, the cost of such repair or cleaning or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes. The authority and procedure of this Section as to repair of sidewalks shall be supplementary to the authority and procedure of Section 13.1, and the Town Council may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

"ARTICLE XIV. REFUSE, WEEDS, AND TRASH

"Sec. 14.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the town to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"Sec. 14.2. Removal of Offensive Matter; Charges. The Town Council may by ordinance establish a procedure whereby town forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"ARTICLE XV. WATER AND SEWER IMPROVEMENTS

"Sec. 15.1. Laterals Included in Cost. In ordering water or sewer line extensions, or both, and the assessment of the costs thereof under authority of Part 7 of Article 18 of Chapter 160 of the General Statutes or any other law, the Town Council is hereby authorized to include in such extensions water and sewer line mains and laterals, and to include the cost of such mains and laterals in the total cost to be assessed upon abutting properties.

"Sec. 15.2. Corner Lot Exemptions. The Town Council is hereby authorized to establish, by ordinance or resolution, schedules of exemptions from assessments for water and sewer line extensions for corner lots when water or sewer lines, or both, are installed along both sides of such lots and when the cost of such installation along both sides were or are financed in whole or in part by assessments. The schedules of exemptions may be classified as to land uses (residential, business, commercial, industrial, office and institutional, agricultural, or other classifications), and shall be uniform for each such classification used; provided, however, that

no schedule of exemptions may provide for exemption of more than seventy-five per cent (75%) of the frontage on any side of a corner lot, or 150 feet, whichever is greater.

"Sec. 15.3. Acreage Charges. In addition to water and sewer service charges and connection charges, the Town Council may establish and collect acreage charges for the privilege of connecting to the town water and sewerage systems, both within and outside the corporate limits, to aid in the financing of new water and sewer mains and laterals and sewer outfalls and the replacement or enlargement of existing mains, laterals, and outfalls. Such charges shall apply uniformly to all properties to which water or sewerage service is extended subsequent to the establishment of such charges; provided, however, that the Council may establish higher acreage charges for property developed or to be developed for business, commercial, industrial, or office and institutional uses than those established for residential and other uses, and may base acreage charges for residential property upon the number of dwelling units per acre of land.

"ARTICLE XVI. EXTRATERRITORIAL REGULATORY POWERS

"Sec. 16.1. Subdivision Control. Any subdivision control ordinance enacted by the Town Council under authority of general law may provide for the more orderly development of subdivisions within the subdivision control jurisdiction of the town by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies established by the Council. To assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

"Sec. 16.2. Regulatory Codes. The Town Council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the town regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe buildings. In addition, the Town Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the town, and the power to make a reasonable charge therefor; provided, that the Town Council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

"ARTICLE XVII. LIABILITY INSURANCE

"Sec. 17.1. Purchase of Insurance Authorized. The Town Council is hereby authorized, but not required, to purchase liability insurance covering all of its authorized functions, whether deemed governmental or proprietary, and all negligent acts or torts of its officers, agents, or employees committed within the scope of their authority or within the course of their employment, whether engaged in performing a governmental or proprietary act.

"Sec. 17.2. Waiver of Immunity from Liability Authorized. The Town Council by securing liability insurance as provided in this Article, is authorized, but not required, to waive its governmental immunity from liability for any damage by reason of death or injury to person or property, proximately caused by the negligent act or tort of any officer, agent, or employee of the town when acting within the scope of his authority or within the course of his employment. Such immunity is waived only to the extent of the amount of the insurance so obtained. Such immunity shall be deemed to have been waived in the absence of affirmative action by the Town Council.

"Sec. 17.3. Conditions of Insurance Policy. Any contract of insurance purchased pursuant to this Article must be one issued by a company or corporation duly licensed and authorized to execute insurance contracts in this State, and must by its terms adequately insure the town against any and all liability for any damage by reason of death, or injury to person or property, proximately caused by a negligent act or tort of any officer, agent or employee of the town when acting within the scope of his authority or within the course of his employment. Any company which enters into a contract of insurance pursuant to this Article with the town, by such act, waives any defense based upon the governmental immunity of the town from liability.

"Sec. 17.4. Payment of Premium. The Town Council is authorized to pay, as a necessary expense, the lawful premium for any insurance purchased pursuant to this Article out of the general tax revenues or other appropriate funds of the town.

"Sec. 17.5. Application of General Law. The provisions of G. S. 160-191.3 through G. S. 160-191.5 shall be applicable to actions against the Town of Tarboro arising during any time when insurance purchased by the town pursuant to this Article is in force.

"ARTICLE XVIII. CLAIMS AGAINST THE TOWN

"Sec. 18.1. Presentation of Claims. No suit or action shall be instituted or maintained against the town upon any claim or demand whatever of any kind or character unless the claimant shall, within ninety days after the date of the accrual of the cause of action, have presented his claim or demand to the Town Council in writing and the Town Council shall have declined to pay or honor the same as presented, or for ninety days after presentation shall not have taken action with respect thereto. Further, no suit or action shall be instituted or maintained against the town upon any such claim or demand unless suit is instituted within twelve months from the date of the accrual of the cause of action, the

same being thereafter forever barred. Nothing contained herein shall be construed to prevent any other Statute of Limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running. Notwithstanding the foregoing provisions hereof, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within ninety days after the termination of the physical or mental incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within one year after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within ninety days after termination of the physical or mental incapacity, or within one year after the happening or infliction of the injury complained of, whichever is the longer period. The town at any time may request the appointment of a next friend to represent any person having a potential claim against the Town of Tarboro and known to be suffering from physical or mental incapacity.

"Sec. 18.2. Settlement of Claims by Town Manager. The Town Council may authorize the Town Manager to settle claims against the town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the Town Manager pursuant to this Section shall constitute a complete release of the town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements and all such releases shall be approved in advance by the Town Attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Tarboro and to consolidate herein certain Acts concerning the property, affairs, and government of the town. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the Town of Tarboro;

(b) Any Acts relating to the Eastern North Carolina Airport Authority;

(c) Any Acts validating, confirming, approving, or legalizing official, proceedings, actions, contracts, or obligations of any nature;

(d) Any Acts relating to the Town of Tarboro-Edgecombe County Library.

Sec. 4. (a) The following Acts of the General Assembly relating to the Town of Tarboro, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c. 9, Private Laws, 1760 (Iredell, 1715-1791)
c. 20, Private Laws, 1778 (Martin, 1715-1791)
c. 20, Private Laws, 1785 (Iredell 1715-1791)
c. 51, Private Laws, 1786 (Iredell 1715-1791)
c. 45, Private Laws, 1791
c. 90, Private Laws, 1801
c. 38, Private Laws, 1815
c. 81, Private Laws, 1819
c. 46, Private Laws, 1826
c. 157, Private Laws, 1828-29
c. 66, Private Laws, 1831-32
c. 71, Private Laws, 1842-43
c. 212, Private Laws, 1847
c. 219, Private Laws, 1852
c. 112, Private Laws, 1856
c. 199, Private Laws, 1858-59
c. 21, Private Laws, 1868-69
c. 84, Private Laws, 1868-69
c. 35, Private Laws, 1869-70
c. 47, Private Laws, 1870-71
c. 104, Private Laws, 1873-74
c. 134, Private Laws, 1873-74
c. 168, Private Laws, 1874-75
c. 228, Private Laws, 1876-77
c. 32, Private Laws, 1880
c. 113, Private Laws, 1885
c. 14, Private Laws, 1887
c. 195, Private Laws, 1889
c. 356, Private Laws, 1891
c. 449, Public Laws, 1891
c. 290, Private Laws, 1893
c. 323, Private Laws, 1895
c. 204, Private Laws, 1899
c. 205, Private Laws, 1899
c. 263, Private Laws, 1899
c. 247, Private Laws, 1901
c. 364, Private Laws, 1901
c. 378, Private Laws, 1901
c. 79, Public Laws, 1903
c. 248, Private Laws, 1903
c. 396, Private Laws, 1903
c. 406, Private Laws, 1903
c. 407, Private Laws, 1903
c. 432, Private Laws, 1903
c. 236, Private Laws, 1905

c. 265, Private Laws, 1905
c. 324, Private Laws, 1905
c. 68, Private Laws, 1907
c. 70, Private Laws, 1907
c. 92, Private Laws, 1907
c. 95, Private Laws, 1907
c. 200, Private Laws, 1907
c. 226, Private Laws, 1909
c. 237, Private Laws, 1909
c. 312, Private Laws, 1909
c. 314, Private Laws, 1909
c. 109, Private Laws, 1911
c. 138, Private Laws, 1911
c. 156, Private Laws, 1911
c. 227, Private Laws, 1913
c. 231, Private Laws, 1913
c. 247, Private Laws, 1913
c. 805, Public-Local Laws, 1915
c. 122, Private Laws, 1917
c. 95, Private Laws, 1920
c. 51, Private Laws, 1923
c. 167, Private Laws, 1923
c. 71, Private Laws, 1927
c. 56, Private Laws, 1931
c. 65, Private Laws, 1931
c. 105, Private Laws, 1933
c. 133, Public-Local Laws, 1937
c. 134, Public-Local Laws, 1937
c. 512, Public-Local Laws, 1939
c. 277, Public-Local Laws, 1941
c. 413, Session Laws, 1945
c. 212, Session Laws, 1947
c. 769, Session Laws, 1949
c. 1192, Session Laws, 1949
c. 811, Session Laws, 1951
c. 1076, Session Laws, 1951
c. 60, Session Laws, 1955
c. 468, Session Laws, 1955
c. 511, Session Laws, 1957
c. 591, Session Laws, 1957
c. 680, Session Laws, 1957
c. 615, Session Laws, 1959
c. 655, Session Laws, 1959
c. 656, Session Laws, 1959
c. 1096, Session Laws, 1959
c. 416, Session Laws, 1963
c. 961, Session Laws, 1963
c. 979, Session Laws, 1963
c. 1053, Session Laws, 1963
c. 81, Session Laws, 1965

c. 546, Session Laws, 1965
c. 548, Session Laws, 1965
c. 23, Session Laws, 1967

(b) The following Acts of the General Assembly, which will be superseded by full application of the Judicial Department Act of 1965 to the County of Edgecombe, are hereby repealed effective on the first Monday in December, 1968:

c. 126, Private Laws, 1935
c. 275, Public-Local Laws, 1941
c. 720, Session Laws, 1951
c. 13, Session Laws, 1953

(c) The following Acts of the General Assembly, which apply to more than one political subdivision, are hereby repealed in their application to the Town of Tarboro:

c. 51, Private Laws, 1792
c. 45, Private Laws, 1820
c. 224, Private Laws, 1927
c. 749, Session Laws, 1953
c. 877, Session Laws, 1963

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests, whether public or private:

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Tarboro, and all existing rules or regulations of departments or agencies of the Town of Tarboro, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the Town of Tarboro or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. Except as provided in Section 4(b) hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 364 CHAPTER 532

AN ACT TO VALIDATE AND CONFIRM ALL SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS HERETOFORE MADE BY THE GOVERNING BOARD OF THE CITY OF JACKSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. All actions of the Governing Board of the City of Jacksonville heretofore taken in levying special assessments for local improvements in the City of Jacksonville, Onslow County, and all special assessments heretofore made by said governing board and all special assessment rolls heretofore made by said governing board are hereby, in all respects, ratified and confirmed. Nothing contained in this Act shall affect pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 447 CHAPTER 533

AN ACT TO DECLARE OWNERSHIP OF ALL BOTTOMS IN CERTAIN WATERS WITHIN THE STATE AND TO ESTABLISH PROCEDURES FOR CONDUCTING SALVAGE OF ABANDONED SHIPWRECKS AND OTHER UNDERWATER ARCHAEOLOGICAL SITES.

WHEREAS, extensive discoveries of and recoveries from the sunken underwater archaeological remains of Confederate, United States, and British vessels in the waters off the coast of North Carolina have been made during the past five years; and

WHEREAS, thousands of historically and archaeologically significant and valuable artifacts from shipwrecks have been recovered, preserved, studied and interpretively displayed in museums in North Carolina and elsewhere; and

WHEREAS, the survey, recovery and retention of historic sunken ships and associated artifacts along the entire North Carolina coast is vital to the interpretation of North Carolina history, government, and culture to the citizens of the State; and

WHEREAS, these artifacts and the vessels from which they come are in danger of destruction or loss due to the elements of nature and by various individuals or groups; and

WHEREAS, underwater archaeological sites extend along the entire length of the North Carolina coast and number in the hundreds, resulting in widespread uncontrolled exploration, damage, and removal of archaeological materials; and

WHEREAS, recovery and preservation work promoted and accomplished during and since 1962 by the Department of Archives and History has elevated the State of North Carolina to a position of leadership in the field of underwater archaeology and preservation of historical artifacts; and

WHEREAS, certain other states of the Union are already taking steps toward systematic state administration of underwater archaeological programs; and

WHEREAS, unless an appropriate administrative body is created, effective control procedures are established and a professional survey, surveillance and recovery staff provided, the State of North Carolina stands in danger of losing the irreplaceable artifacts to commercial firms and others who have expressed desires to remove these valuable resources for private monetary gain: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Subject to Chapter 82 of the General Statutes, entitled "Wrecks" and to the provisions of Chapter 210, Session Laws of 1963, and to any statute of the United States, the title to all bottoms of navigable waters within one marine league seaward from the Atlantic seashore measured from the extreme low water mark; and the title to all shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts which have remained unclaimed for more than 10 years lying on the said bottoms, or on the bottoms of any other navigable waters of the State, is hereby declared to be in the State of North Carolina, and such bottoms, shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts shall be subject to the exclusive dominion and control of the State.

Sec. 2. The custodian of shipwrecks, vessels, cargoes, tackle and underwater archaeological artifacts as defined in Section 1 hereof shall be the State Department of Archives and History, which is empowered to promulgate such rules and regulations as may be necessary to preserve, protect, recover and salvage any or all underwater properties as defined in Section 1 hereof; such rules and regulations, when approved by the Governor and Council of State, shall have the force and effect of law.

Sec. 3. The Department of Archives and History is also authorized to establish a professional staff for the purpose of conducting and/or supervising the surveillance, protection, preservation, survey and systematic underwater archaeological recovery of underwater materials as defined in Section 1 hereof.

Sec. 4. Any qualified person, firm or corporation desiring to conduct any type of exploration, recovery or salvage operations, in the course of which any part of a derelict or its contents or other archaeological site may be removed, displaced or destroyed, shall first make application to the Department of Archives and History for a permit or license to conduct such operations. If the Department of Archives and History shall find that the granting of such permit or license is in the best interest of the State, it may grant such applicant a permit or license for such a period of time and under such conditions as the Department may deem to be in the best interest of the State. Such permit or license may include but need not be limited to the following:

(a) Payment of monetary fee to be set by the Department

(b) That a portion or all of the historic material or artifacts be delivered to custody and possession of the Department

(c) That a portion of all of such relics or artifacts may be sold or retained by the licensee

(d) That a portion or all of such relics or artifacts may be sold or traded by the Department.

Permits or licenses may be renewed upon or prior to expiration upon such terms as the applicant and the Department may mutually agree. Holders of permits or licenses shall be responsible for obtaining permission of any Federal agencies having jurisdiction, including the U. S. Coast Guard, the U. S. Department of the Navy and the U. S. Army Corps of Engineers prior to conducting any salvaging operations.

Sec. 5. Any funds which may be paid to or received by the Department of Archives and History under the terms of Section 4 hereof may be allocated for use by the Department of Archives and History for continuing its duties under this Act, subject to the approval of the Budget Division of the Department of Administration.

Sec. 6. All law enforcement agencies and officers, State and local, are hereby empowered to assist the Department of Archives and History in carrying out its duties under this Act.

Sec. 7. Nothing in this Act shall be construed to affect pending litigation.

Sec. 8. Any person violating the provisions of this Act or any rules or regulations established thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in cases of misdemeanor.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 485 CHAPTER 534

AN ACT TO AMEND CHAPTER 130, SESSION LAWS OF 1967, RELATING TO THE APPOINTMENT OF MEMBERS OF BOARDS OF EDUCATION OF THE RESPECTIVE COUNTIES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The unnumbered paragraph entitled "Craven", of Section 1 of Chapter 130, Session Laws of 1967, is hereby amended by deleting the name "C. A. Seifert", and inserting in lieu thereof the name "Reuben S. Hart, Jr.".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 298 **CHAPTER 535**

AN ACT RELATING TO INDUSTRIAL DEVELOPMENT; CREATING THE NORTH CAROLINA INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY; DEFINING ITS DUTIES, POWERS AND RESPONSIBILITIES; AUTHORIZING SUCH AUTHORITY TO FINANCE PROJECTS FOR INDUSTRIAL DEVELOPMENT AND TO ADMINISTER, LEASE AND SELL SUCH PROJECTS; VESTING POWERS IN STATE AGENCIES AND POLITICAL SUBDIVISIONS RESPECTING SUCH PROJECTS; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS AND REVENUE REFUNDING BONDS AND FOR THE TERMS, SECURITY AND PAYMENT THEREOF; EXEMPTING THE PROPERTY, INCOME AND BONDS OF SUCH AUTHORITY FROM TAXES; AND PROVIDING FOR THE INVESTMENT OF FUNDS DERIVED AS PROCEEDS OF SUCH BONDS OR REVENUES OF SUCH PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known, and may be cited, as the "North Carolina Industrial Development Financing Act".

Sec. 2. Legislative Findings and Purposes. The General Assembly finds and determines that in order to meet the challenge of attracting new industry posed by the inducements to industry offered through legislative enactments in other jurisdictions and to continue the State's progress in industrial development, it is necessary to establish a public agency and an instrumentality of the State to facilitate the provision of facilities promoting industrial development in the State and otherwise effectuating the purposes of this Act, without the levy of any additional taxes therefor. The purposes of this Act are to promote the industry and natural resources of the State, increase opportunities for gainful employment, increase purchasing power, improve living conditions, advance the general economy, expand facilities for research and development, increase vocational training opportunities and otherwise contribute to the prosperity and welfare of the State and its inhabitants by providing facilities for operation by private operators useful for industrial and research pursuits, such purposes being, and are hereby declared to be, public purposes.

Sec. 3. Definitions. The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings:

(1) "authority", the North Carolina Industrial Development Financing Authority created by this Act.

(2) "bonds" or "revenue bonds" or "industrial revenue bonds", the bonds authorized to be issued by the authority under this Act.

(3) "cost" as applied to any project shall embrace the cost of construction, the cost of acquisition of all property, including rights in land and other property, both real and personal and improved and unimproved, the cost of demolishing, removing or relocating any buildings or structures on lands so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all machinery and equipment, financing charges, interest prior to and during

construction and, if deemed advisable by the authority, for a period not exceeding one year after completion of construction, the cost of engineering and architectural surveys, plans and specifications, the cost of consultants' and legal services, other expenses necessary or incident to determining the feasibility or practicability of constructing such project, administrative and other expenses necessary or incident to the construction of such project and the financing of the construction thereof, including reimbursement to any governmental agency or any lessee of such project for such expenditures, made with the prior approval of the authority, that would be costs of the project hereunder had they been made directly by the authority.

(4) "governing body", the board, commission or body in which the general legislative powers of any local unit are vested.

(5) "governmental agency", any department, division, public agency, political subdivision or other public instrumentality, including any economic development commission or local unit, of the State, any other State or local public agency, or any two or more thereof.

(6) "local unit", the city, town or, as to any project that shall be located outside the boundaries of any city or town, the county, in which any project shall be located, and as to any project that shall be located partly inside and partly outside the corporate boundaries of any city or town, both such city or town and the county thereof.

(7) "project", any one or more buildings or other structures, whether or not on the same site or sites, and any rehabilitation, improvement, renovation or enlargement of, or any addition to, any building or structure for use as a factory, mill, processing plant, assembly plant, fabricating plant, industrial distribution center or research and development facility, including facilities for industrial, medical, electronic and other types of research and development and facilities for manufacturing, processing, assemblying, or handling of any manufactured, agricultural or animal products or products of mining and other natural resources, or any combination of the foregoing, and including also the sites thereof and all other rights in land, whether improved or unimproved, furnishings, machinery, equipment, landscaping and site preparation, and all appurtenances and incidental facilities such as headquarters or office facilities whether or not at the location of the remainder of the project, warehouses, distribution centers, access roads, sidewalks, utilities, railway sidings, trucking and similar facilities, parking facilities, landing strips and other facilities for aircraft, waterways, dockage, wharfage and other improvements necessary or convenient for the construction, maintenance and operation of any such building or structure, or addition thereto; provided that no retail or wholesale store and no office, storage or other commercial facility not incidental to said use of any such building or structure shall be included in any project.

(8) "State", the State of North Carolina.

Sec. 4. North Carolina Industrial Development Financing Authority. (a) There is hereby created a body politic and corporate to be known as the "North Carolina Industrial Development Financing Authority" which shall be constituted a public agency and an instrumentality of state for the performance of essential public functions. The authority shall be composed

of seven members. The State Treasurer and the Chairman of the Department of Conservation and Development and their successors in office from time to time shall, by virtue of their incumbency in such offices and without further appointment or qualification, be members of the authority. The Governor shall appoint the other five members of the authority who shall be residents of the State and shall not hold other public office. One of such appointees shall have had experience in industrial real estate, one shall have had experience in county government in the capacity of an elected officer thereof and another shall have had experience in municipal government in the capacity of an elected officer thereof and two of such appointees shall be selected at large. The five members of the authority thus appointed shall continue in office for terms of one year, two, three, four and five years, respectively, as designated by the Governor, and until their successors shall be duly appointed and qualified. The successor of each such member shall be appointed for a term of five years and until his successor shall be duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the authority shall be eligible for reappointment. Each member of the authority appointed by the Governor may be removed by the Governor for misfeasance, malfeasance or wilful neglect of duty after reasonable notice and a public hearing, unless the same are in writing expressly waived. Each member of the authority, other than the State Treasurer and the Chairman of the Department of Conservation and Development, before entering upon his duty shall take an oath of office to administer the duties of his office faithfully and impartially and a record of such oath shall be filed in the office of the Secretary of State. The Governor shall designate a member of the authority to serve as chairman. The term of the chairman shall extend to the earlier of either the date of expiration of his then current term as a member of the authority or a date six months after the expiration of the then current term of the Governor designating such chairman. The authority shall annually elect one of its members as vice chairman. The authority shall also elect or appoint, and prescribe the duties of, such other offices as the authority deems necessary or advisable, including an executive director and a secretary, and the Governor and the Advisory Budget Commission shall fix the compensation for such officers.

(b) The members of the authority shall be entitled to receive, from funds of the authority, for attendance of meetings of the authority or any committee thereof and for other services for the authority reimbursement for actual expenses as may be incurred for travel and subsistence in the performance of official duties and, as to only the members appointed by the Governor, such per diem as is allowed by law for members of other State boards, commissions and committees. The Executive Director shall administer, manage and direct the affairs and business of the authority, subject to the policies, control and direction of the authority. The secretary of the authority shall keep a record of the proceedings of the authority and shall be custodian of all books, documents and papers filed with the authority, the minute book or journal of the authority and its official seal. He shall have authority to cause copies to be made of all minutes and other records and documents of the authority and to give

certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. Four members of the authority shall constitute a quorum and the affirmative vote of four member shall be necessary for any action taken by the authority, except adjournment. No vacancy in the membership of the authority shall impair the rights of a quorum to exercise all the rights and to perform all the duties of the authority.

Sec. 5. General Powers. The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but without limiting the generality of the foregoing, the power:

(1) to adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties;

(2) to adopt an official seal and alter the same at pleasure;

(3) to maintain an office in the City of Raleigh and at such other place or places as it may determine;

(4) to sue and be sued in its own name, plead and be impleaded;

(5) to receive, administer and comply with the conditions and requirements respecting any gift, grant or donation of any property or money;

(6) to make and execute agreements of lease, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this Act, including contracts with persons, firms, corporations, governmental agencies and others, and governmental agencies are hereby authorized to enter into contracts and otherwise cooperate with the authority to facilitate the financing and construction of any project;

(7) to acquire by purchase, lease, gift or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, and interests in land less than the fee thereof, for the construction, operation or maintenance of any project; provided that no project shall be financed hereunder unless the authority shall, in acquiring the site thereof, obtain thereby at least a leasehold interest, sufficient for the purpose, terminating not earlier than 25 years from the final maturity date of the bonds that shall be initially issued to pay any part of the cost of such project;

(8) to sell, lease, exchange, transfer or otherwise dispose of, or to grant options for any such purposes with respect to, any real or personal property or interest therein;

(9) to pledge or assign any money, rents, charges, fees or other revenues and any proceeds derived from sales of property, insurance or condemnation awards by the authority;

(10) to issue industrial revenue bonds of the authority for the purpose of providing funds to pay all or any part of the cost of any project and any revenue refunding bonds;

(11) to construct, acquire, own, repair, maintain, extend, improve, rehabilitate, renovate, furnish and equip projects and to pay all or any part of the costs thereof from the proceeds of bonds of the authority or from any contribution, gift or donation or other funds made available to the authority for such purpose;

(12) to fix, charge and collect rents, fees and charges for the use of any project; and

(13) to employ consulting engineers, architects, attorneys, real estate counselors, appraisers and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority therefor.

Sec. 6. Criteria and Requirements. In undertaking any project pursuant to this Act, the authority shall be guided by and shall observe the following criteria and requirements; provided that the determination of the authority as to its compliance with such criteria and requirements shall be final and conclusive:

(1) the project, in the determination of the authority, shall make a significant contribution to the economic growth of the local unit in which it shall be located, shall provide gainful employment and shall serve a public purpose by advancing the economic prosperity and the public welfare of the State and its people;

(2) the project shall not involve the relocation of an industrial or research facility existing in the State to some other part of the State unless the authority determines that there is a clear and justifiable reason therefor;

(3) no project shall be leased to any lessee which is not financially responsible and fully capable and willing to fulfill its obligations under the agreement of lease, including the obligation to pay rent in the amounts and at the times required, the obligation to operate, repair and maintain at its own expense the project leased and to serve the purposes of the Act and such other responsibilities as may be imposed under the lease, and in determining the financial responsibility of such lessee consideration shall be given to the lessee's ratio of current assets to current liabilities, net worth, earnings trends, coverage of all fixed charges, the nature of the industry or business involved, its inherent stability, any guarantee of the obligations by some other financially responsible corporation, firm or person, and other factors determinative of the capability of the lessee, financially and otherwise, to fulfill its obligations consistently with the purposes of this Act;

(4) the local unit in which the project is to be located, in the determination of the authority, will be able to cope satisfactorily with the impact of such project and will be able to provide, or cause to be provided, when needed the public facilities, including utilities, and public services that will be necessary for the construction, operation, repair and maintenance of the project and on account of any increases in population resulting therefrom; and

(5) adequate provision shall be made for the operation, repair and maintenance of the project at the expense of the lessee and for the payment of principal of and interest on the bonds and for reserves therefor.

Sec. 7. Procedural Requirements. (a) Any one or more governmental agencies may submit to the authority a proposal for financing a project, using such forms and following such instructions as may be prescribed by the authority. Such proposal shall set forth the type and location of the project and may include other information and data, available to the governmental agency or agencies submitting the proposal, respecting the

project, the proposed lessee, if any, and the extent to which such project conforms to the criteria and requirements set forth in this Act. The authority shall promptly consider every project and cooperate with any governmental agency submitting any such proposal. The authority may request governmental agencies to provide such information and data as the authority may deem pertinent, and governmental agencies are authorized to provide to the authority any information or data available to them and otherwise to render assistance to and cooperate with the authority in carrying out the purposes of this Act. The authority may also request any proposed lessee of any project to provide information and data respecting the project and such lessee. The authority is authorized to make or cause to be made, in cooperation with governmental agencies to the fullest extent feasible, such investigations, surveys, studies, reports and reviews as in its judgment are necessary and desirable to determine the feasibility and desirability of the project, the extent to which the project contributes to the development and advancement of the prosperity and economic welfare of the State, and, as to the proposed lessee, the experience, background, past and present financial condition, record of earnings, credit standing, present and future markets and prospects and the integrity and capability of the management of such lessee, the extent to which the project or such proposed lessee otherwise conform to the criteria and requirements of this Act, and such other factors as may be deemed relevant or convenient in carrying out the purposes of this Act.

(b) If the authority determines that the project is feasible and desirable and that the criteria and requirements of this Act may be complied with in undertaking and financing such project, the authority shall promptly notify the local unit in which the project is to be located and request the approval of the project by the governing body of the local unit. For the purpose of determining whether to approve the project, the governing body of such local unit may in its discretion or shall, at the request of the authority, hold a public hearing within the boundaries of the local unit after giving notice of such hearing by one publication thereof, in a newspaper of general circulation in the local unit, at least 10 days before such hearing. The governing body of the local unit and a representative or representatives of the authority shall attend such public hearing to provide information and otherwise hear and consider the comments and suggestions made at such hearing. No further action respecting such project shall be taken by the authority unless the governing body of the local unit shall adopt (after the public hearing, if one shall be held) a resolution approving the project and requesting the authority to finance and carry out the project.

Sec. 8. Agreements of Lease. No project financed under the provisions of this Act shall be operated by the authority or any other governmental agency; provided, that the authority may temporarily operate or cause to be operated all or any part of a project to protect its interest therein pending any leasing of such project in accordance with this Act. The authority shall lease a project or projects to one or more persons, firms or private corporations for operation and maintenance in such manner as shall effectuate the purposes of this Act, under an agreement of lease

in form and substance not inconsistent herewith. Any such agreement of lease may provide, among other provisions, that:

(1) the lessee shall, at its own expense, operate, repair and maintain the project or projects leased thereunder;

(2) the rent payable under the lease shall in the aggregate be not less than an amount sufficient to pay all of the interest, principal and redemption premiums, if any, on the bonds that shall be issued by the authority to pay the cost of the project or projects leased thereunder;

(3) the lessee shall pay all other costs incurred by the authority in connection with the financing, construction and administration of the project or projects leased, except as may be paid out of the proceeds of bonds or otherwise, including, but without limitation, insurance costs, the cost of administering the bond resolution authorizing such bonds and any trust agreement securing the bonds and the fees and expenses of trustees, paying agents, attorneys, consultants and others;

(4) the term of the lease shall terminate not earlier than the date on which all such bonds and all other obligations incurred by the authority in connection with the project or projects leased thereunder shall be paid in full, including interest, principal and redemption premiums, if any, or adequate funds for such payment shall be deposited in trust; and

(5) the lessee's obligation to pay rent shall not be subject to cancellation, termination or abatement by the lessee until such payment of the bonds or provision for such payment shall be made. Such agreement of lease may contain such additional provisions as in the determination of the authority are necessary or convenient to effectuate the purposes of this Act, including provisions for extensions of the term and renewals of the lease and vesting in the lessee an option to purchase the project or projects leased thereunder pursuant to such terms and conditions consistent with this Act as shall be prescribed in the lease; provided, that, except as may otherwise be expressly stated in the agreement of lease to provide for any contingencies involving the destruction or condemnation of the project or projects leased, or any substantial portion thereof, such option to purchase may not be exercised until the expiration of a period of not less than 10 years from the date the final installment of the first year's rent under the lease shall be paid by the lessee and until all bonds issued for such project or projects, including all interest and redemption interest and redemption premiums, if any, and all other obligations incurred by the authority in connection with such project or projects shall have been paid in full or sufficient funds shall have been deposited in trust for such payment; and provided further that the purchase price of such project or projects shall not be less than the increase, if any, from the date the lease becomes legally effective to the date of the lessee's exercise of the option in the value of all of the authority's interest in the site or sites of such project or projects, whether such interest be in fee, a leasehold or other lesser estate, as determined for the purposes of and in conformity with the provisions of the next succeeding Section.

Sec. 9. Tax Exemption; Payments in Lieu of Taxes. (a) The exercise of the powers granted by this Act in all respects will be for the benefit of the people of the State, for the increase of their industry and prosperity, for the provision of gainful employment and for the improvement of their

health and living conditions and will constitute the performance of essential public functions, and the authority shall not be required to pay any taxes on any project or any other property owned by the authority under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof), shall at all times be free from taxation by the State or any local unit or political subdivision or other instrumentality of the State, excepting inheritance or gift taxes. Nothing in this Section, however, shall be construed as exempting from taxation or assessments the leasehold interest of any lessee in any project or any other property or interest owned by any lessee.

(b) The agreement for the authority's leasing of any project shall require that the lessee thereunder shall pay each year, in addition to all other obligations, an amount equal to the total amount of ad valorem taxes that would otherwise be levied upon the property owned and leased by the authority thereunder which is exempted from taxation. The agreement of lease shall require the lessee to covenant and agree that, for the purposes of this Section and during the term of such lease, the amount of such annual payment in lieu of taxes, the time, method and place of payment thereof, its apportionment to the various local government taxing units entitled thereto, the procedures and the rights of review and appeal of the lessee shall, to the fullest extent appropriate, be deemed to be the same as if such payment were an ad valorem tax payment and as if the property of the authority leased by the lessee thereunder were actually owned by the lessee and legally subject to ad valorem taxation under applicable law, including particularly the Machinery Act, G. S. §§ 105-271 to 105-398, inclusive, as amended, and further to covenant and agree that the lessee shall file a tax list, listing such property in the name of, and as if owned by, the lessee (referring expressly therein to this Section) in the form and manner and at the place or places and at the time or times required under said Machinery Act for the listing of real and personal property in the local unit subject to ad valorem taxation. Upon the execution of any such agreement of lease, the property of the authority leased thereunder to the lessee during the term of such lease shall be treated (but only for the purposes of this Section) as if it were subject to ad valorem taxation and, pursuant to the Machinery Act, said property shall be listed, appraised, assessed and revalued and shall be subject to the imposition of an amount in lieu of taxes equal to the ad valorem taxes that would otherwise be levied against such property if it were actually owned by the lessee and the lessee shall be deemed to be, for the purposes hereof, the owner of such property and to have such rights of review and appeal respecting such property as are vested in owners of property subject to ad valorem taxation under applicable law. The amount imposed in lieu of taxes against such property shall constitute the amount of payment in lieu of taxes required to be made by the lessee hereunder and such amount shall be imposed and collected in the same manner and at such time as ad valorem taxes under said Machinery Act, and shall be apportioned and made available to the local government taxing units that would have been entitled thereto if such payment were a tax payment on such property, and may be used for the same purposes for which ad

valorem property tax proceeds may be lawfully used by such taxing units, to be expended pro rata for purposes for which the unit levies property taxes.

Sec. 10. Construction Contracts. Contracts for the construction of the project may be awarded by the authority in such manner as in its judgment will best promote free and open competition, including advertisement for competitive bids in a newspaper of general circulation in the local unit in which the project is to be located; provided, however, that if the authority shall determine that the purposes of the Act will thereby be more effectively served, the authority in its discretion may award contracts for the construction of any project, or any part thereof, upon a negotiated basis as determined by the authority. The authority shall prescribe such bid security requirements and other procedures in connection with the award of such contracts as in its judgment shall protect the public interest. The authority may by written contract engage the services of the lessee or prospective lessee of any project in the construction of such project and may provide in such contract that the lessee or prospective lessee may act as an agent of, or an independent contractor for the authority for the performance of the functions described therein, subject to such conditions and requirements, consistent with the provisions of this Act, as shall be prescribed in such contract, including such functions as the acquisition of the site and other real property for such project, the preparation of plans, specifications and contract documents, the award of construction and other contracts upon a competitive or negotiated basis, the construction of such project, or any part thereof, directly by such lessee or prospective lessee, the inspection and supervision of construction, the employment of engineers, architects, builders and other contractors and the provision of money to pay the cost thereof pending reimbursement by the authority. Any such contract may provide that the authority may, out of proceeds of bonds, make advances to or reimburse the lessee or prospective lessee for its costs incurred in the performance of such functions and shall set forth the supporting documents required to be submitted to the authority and the reviews, examinations and audits that shall be required in connection therewith to assure compliance with the provisions of this Act and such contract.

Sec. 11. Conflict of Interest. No officer, member, agent or employee of the authority, the State or any local unit shall be interested either directly or indirectly in any contract with the authority or in the sale of property, real or personal, to the authority for the purposes of the project; provided, however, that this Section shall not apply to any interest which the authority determines is so minor as not to be within the purview of the purpose of this Section. If any such officer, member, agent or employee shall have any interest in real property acquired prior to the determination of the location of any project, such interest shall immediately be disclosed to the authority and shall be set forth in the minutes of the authority, and the officer, member, agent or employee having any interest therein shall not participate on behalf of the authority in the acquisition of such property by the authority.

Sec. 12. Authorization of Funds for Initial Expenditures. In order to enable the authority to organize and commence its operations under

the Act, the Governor and the Council of State are authorized to transfer to the authority out of the contingency and emergency fund not otherwise obligated such amount or amounts as the Governor and the Council of State shall deem necessary to enable the authority to organize and to pay the expenses of administration during the first two years of the authority's operations.

Sec. 13. Credit of State Not Pledged. (a) Bonds issued under the provisions of this Act shall not be deemed to constitute a debt, liability or obligation of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but shall be payable solely from the revenues and other funds provided therefor. Each bond issued under this Act shall contain on the face thereof a statement to the effect that the authority shall not be obligated to pay the same nor the interest thereon except from the revenues, proceeds and other funds pledged therefor and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds.

(b) Expenses incurred by the authority in carrying out the provisions of this Act may be made payable from funds provided pursuant to this Act and no liability or obligation shall be incurred by the authority hereunder beyond the extent to which moneys shall have been so provided.

Sec. 14. Bonds. (a) The authority is hereby authorized to provide for the issuance, at one time or from time to time, of industrial revenue bonds of the authority for the purpose of paying all or any part of the cost of any project or projects. The bonds shall be designated, subject to such additions or changes as the authority deems advisable, "North Carolina Industrial Development Financing Authority Revenue Bonds, ... Series", inserting in the blank space the name of the local unit in which shall be located the project for which the bonds are to be issued. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The authority may also provide for the authentication of the bonds by a trustee or fiscal agent. The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both

principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effectuate the purposes of this Act.

(b) The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects, or portion or portions thereof, for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by reason of increased construction costs or error in estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficiency, and, unless otherwise provided in the bond resolution or in the trust agreement, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, such excess shall be deposited to the credit of the sinking fund for such bonds, or, if so provided in such resolution or trust agreement, may be applied to the payment of the cost of any additional project or projects.

(c) Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(d) Bonds may be issued under the provisions of this Act without obtaining, except as otherwise expressly provided in this Act, the consent of any department, division, commission, board, body, bureau or agency of the State, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this Act and the provisions of the resolution authorizing the issuance of such bonds or the trust agreement securing the same.

Sec. 15. Trust Agreement. In the discretion of the authority any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the fees, rents, charges, proceeds from the sale of any project, or part thereof, insurance proceeds, condemnation awards and other funds and revenues to be received therefor, but shall not convey or mortgage any project or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property and the con-

struction, improvement, maintenance, repair, operation and insurance of the project or projects in connection with which such bonds shall have been authorized, the fees, rents and other charges to be fixed and collected, the sale of any project, or part thereof, or other property, the terms and conditions for the issuance of additional bonds, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depositary of the proceeds of bonds, revenues or other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Any such trust agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the project or projects in connection with which bonds are issued or as an expense of administration of such project or projects, as the case may be.

Sec. 16. Revenues. (a) The authority is hereby authorized to fix and to collect fees, rents and charges for the use of any project or projects, and any part or section thereof, and to contract with any person, partnership, association or corporation respecting the use thereof. The authority may require that the lessee or users of any project, or any part thereof, shall operate, repair and maintain the project and shall bear the cost thereof and other costs of the authority in connection with the project or projects leased, as may be provided in the agreement of lease or other contract with the authority, in addition to other obligations imposed under such agreement or contract.

(b) The fees, rents and charges shall be so fixed as to provide a fund sufficient, with such other funds as may be made available therefor, to pay the principal of and the interest on such bonds as the same shall become due and payable and to create reserves for such purposes. The fees, rents and charges and all other revenues and other proceeds derived from the project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The fees, rents, charges and other revenues and moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties

have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of money to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Sec. 17. Trust Funds. Notwithstanding any other provisions of law to the contrary, all money received pursuant to the authority of this Act, whether as proceeds from the sale of bonds, sale of property, insurance or condemnation awards, or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust agreement securing such bonds may provide that any of such moneys may be temporarily invested pending the disbursement thereof and shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustees of such money and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution or trust agreement may provide.

Sec. 18. Remedies. Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution authorizing the issuance of such bonds, or under any agreement of lease or other contract executed by the authority pursuant to this Act, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by any lessee or the authority or by any officer thereof, including the fixing, charging and collecting of fees, rents and charges.

Sec. 19. Negotiable Instruments. Notwithstanding any of the foregoing provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such bonds and interest coupons appertaining thereto shall be and are hereby made negotiable instruments under the laws of this State, subject only to the provisions for registration in any resolution authorizing the issuance of such bonds or any trust agreement securing the same.

Sec. 20. Bonds Eligible for Investment. Bonds issued by the authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for

any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

Sec. 21. Revenue Refunding Bonds. (a) The authority is hereby authorized to provide by resolution for the issuance of revenue refunding bonds of the authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the authority, for either or both of the following additional purposes: (i) constructing improvements, additions, extensions or enlargements of the project or projects in connection with which the bonds to be refunded shall have been issued, and (ii) paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the authority in respect to the same shall be governed by the provisions of this Act which relate to the issuance of revenue bonds, insofar as such provisions may be appropriate therefor.

(b) Revenue refunding bonds issued under this Section may be sold or exchanged for outstanding bonds issued under this Act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds. Revenue refunding bonds may be issued, in the determination of the authority, at any time not more than five years prior to the date of maturity or maturities or the date selected for the redemption of the bonds being refunded thereby. Pending the application of the proceeds of such refunding bonds, with any other available funds, to the payment of the principal, accrued interest and any redemption premium on the bonds being refunded, and, if so provided or permitted in the resolution authorizing the issuance of such refunding bonds or in the trust agreement securing the same, to the payment of any interest on such refunding bonds and any expenses in connection with such refunding, such proceeds may be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America which shall mature or which shall be subject to redemption by the holder thereof, at the option of such holder, not later than the respective dates when the proceeds, together with the interest accruing thereon, will be required for the purposes intended.

Sec. 22. Reversion to Local Unit. When all revenue bonds issued for any project by the authority under the provisions of this Act, including interest and redemption premiums, if any, and other costs incurred by the authority therefor shall have been paid, or a sufficient amount for such payment shall have been deposited in trust for the benefit of the holders of such bonds and others entitled thereto, the authority shall convey by quitclaim deed to the local unit in which such project is located, with the consent of the governing body of such local unit, all of the interest of the authority in such project, subject to any agreement of lease, including renewal and option to purchase provisions therein, and any other covenants, limitations, liens and other encumbrances affecting the project. Any

property so conveyed may be administered and used by the local unit for the purposes of this Act or any other lawful purpose.

Sec. 23. Annual Reports. The authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor and the General Assembly. Each such report shall set forth a complete operating and financial statement covering the operations of the authority during such year. The authority shall cause an audit of its books and accounts to be made at least once in each year by the State Auditor or by certified public accountants and the cost thereof may be treated as a part of the cost of construction of a project, to the extent such audit covers the construction of the project, or otherwise as part of the expense of administration of the project covered by such audit.

Sec. 24. Officers Not Liable. No member or other officer of the authority shall be subject to any personal liability or accountability by reason of his execution of any bonds or the issuance thereof.

Sec. 25. Additional Method. The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Sec. 26. Act Liberally Construed. This Act, being necessary for the prosperity and welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 27. Constitutional Construction. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 28. Inconsistent Laws Inapplicable. Insofar as the provisions of this Act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this Act shall be controlling.

Sec. 29. Effective Date. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 548 CHAPTER 536

AN ACT TO AMEND G. S. 128-15 SO AS TO EXTEND TO VETERANS OF THE VIETNAM CONFLICT, THEIR WIVES AND WIDOWS, EMPLOYMENT PREFERENCE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 128-15 is amended by striking the period at the end of the first paragraph thereof and adding the following:

"and including all citizens of the State who served in any of the armed services at any time between January 31, 1955, and the end of hostilities in Vietnam in which the United States is involved."

Sec. 2. G. S. 128-15 is further amended by inserting in line two of the third paragraph, after the word and punctuation "conflict," and before the word "shall" in line three thereof, the following words and punctuation:

"and including service in any of the armed forces at any time between January 31, 1955, and the end of hostilities in Vietnam in which the United States is involved,".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 608 CHAPTER 537

AN ACT TO AMEND SECTIONS 105-306(26), 105-308, 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of New Hanover is hereby authorized and empowered to prescribe regulations of the type and form of oath, or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in New Hanover County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Authority is hereby granted to the Board of Commissioners of the County of New Hanover to divide, or combine townships in New Hanover County for tax listing purposes. The Tax Supervisor of New Hanover County, with the approval of the Board of Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 3. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309, and G. S. 105-310 shall be applicable to New Hanover County except insofar as they are inconsistent with regulations of the Board of Commissioners of New Hanover County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 4. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to New Hanover County. If the Board of Commissioners of New Hanover County has adopted regulations relating to any matter covered by this Act, the listing in New Hanover County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 as amended shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of Commissioners.

Sec. 5. This Act shall apply only to New Hanover County.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 726 CHAPTER 538

AN ACT RELATING TO THE ACCUMULATED FUNDS OF THE COLUMBUS COUNTY PEACE OFFICERS' ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. The executive board or governing body of the Columbus County Peace Officers' Association is hereby authorized to distribute all funds of the Association in its hands, with respect to which no indebtedness or obligation has been incurred, to the members of the Association on a pro rata basis. Upon completion of the disbursement of said funds, the Association shall cease to function or operate for any purposes relating to payment of benefits.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 741 CHAPTER 539

AN ACT TO AMEND G. S. 153-8, RELATING TO THE DAYS ON WHICH MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS IN AVERY COUNTY SHALL BE HELD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-8 is hereby amended by adding at the end thereof the following: "The Board of County Commissioners of Avery County may hold its regular meetings each month on such day or date as said board may by resolution fix and determine. Notice of such day or date, if other than the first Monday of each month, shall be given by posting a copy of said resolution at the courthouse door and by publication in a newspaper having general circulation in the county. Said posting and publication shall be made not less than seven days prior to the day or date so fixed and determined. Like notice shall be given of any change of such day or date as the board of county commissioners may, from time to time, fix and determine. Special meetings may be held as provided by general law."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 764 **CHAPTER 540**

AN ACT AUTHORIZING THE RIGHT TO PETITION FOR MUNICIPAL LIQUOR CONTROL STORES IN INCORPORATED MUNICIPALITIES IN COLUMBUS COUNTY, ESTABLISHMENT OF SAME UPON AN AFFIRMATIVE VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. If Columbus County does not call an ABC election, as provided in G. S. 18-61, on or before June 1, 1967, then the governing body of each incorporated municipality in Columbus County shall upon a written petition to said governing body signed by at least thirty per cent (30%) of the registered and qualified voters of the municipality, who voted in the last municipal election, order an election to be held on the question of whether or not a municipal liquor control store may be operated in the municipality. If a majority of the votes cast in such election shall be for the operation of such stores, it shall be legal for liquor control stores to be set up and operated in said municipality; but if a majority of the votes cast in said election shall be against the operation of a liquor control store, no such store shall be set up or operated in said municipality under provisions of this Act. If the County holds an ABC election on or before June 1, 1967, and the vote is against County liquor stores, then no municipality shall hold an election as authorized in this Act until 90 days after the County election. If the County liquor election is in favor of County liquor control stores, then no municipality shall hold an election under this Act.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town A. B. C. Store", "Against Town A. B. C. Store". Those favoring setting up and operating a liquor store in the municipality shall mark on the voting square to the left of the words "For Town A. B. C. Store", printed on the ballot; and those opposed to a liquor control store shall mark in the voting square to the left of the word "Against Town A. B. C. Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the municipality.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town A. B. C. Store", the municipal board of alcoholic control shall within three months from the canvassing of such votes and the declaration of the result thereof, close

said store and shall thereafter cease to operate the same, and within said three months the board of alcoholic control shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said municipality in force and effect prior to the authorization to operate a liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the municipality under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the municipality to order the special liquor election herein authorized within 60 days after sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or municipal general or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a liquor control store is authorized under the provisions of this Act, the governing body of the municipality shall immediately create a board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as the "Board of Alcoholic Control of (name of municipality)". The chairman of said board shall be designated by the governing body of the municipality and shall serve for his first term a period of three years, one member shall serve for his first term a period of two years, and the other member shall serve for his term a period of one year. The terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing body of the municipality.

Sec. 5. The municipal board of alcoholic control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. Provided, G. S. 18-45(15) shall not apply to the municipal boards of alcoholic control. The municipal board of alcoholic control and the operation of any liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except as to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "county" board of alcoholic control appears in said Article, it shall include the municipal board of alcoholic control.

Sec. 6. After deducting the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the board, the municipal board of alcoholic control shall allocate and disburse, as determined by quarterly audit, the revenue as hereinafter provided:

Not less than five per cent (5%) and not more than ten per cent (10%) of the gross revenues to the general fund of the municipality, to be used for law enforcement purposes.

The net profits, as determined quarterly, shall be disbursed by the municipal board of alcoholic control as follows:

Five per cent (5%) to the general fund of the municipality to be used for the Fire Department of the municipality;

Fifty per cent (50%) to the general fund of the municipality to be expended for any public purpose for which tax or nontax revenues may be expended;

Forty-five per cent (45%) to the general fund of Columbus County to be allocated in equal parts to the board of education of any school unit in which an ABC store is located.

Sec. 7. In the event County liquor control stores are authorized in an election held as provided in this Act, then the Board of Alcoholic Control of Columbus County shall disburse the revenues, derived from the operation of county stores as provided herein:

(a) After deducting from the gross revenues the amount required for law enforcement by G. S. 18-45(15) and the amount required to pay salaries, operating expenses as provided in G. S. 18-56, and retaining sufficient and proper working capital, under G. S. 18-57, the net revenues shall be disbursed as follows:

Five per cent (5%) to be divided equally and paid to the general fund of any municipality in which an ABC store is located, and the amount received by each municipality to be used for the Fire Department of such municipality;

Fifty per cent (50%) to be divided among the municipalities in which an ABC store is located as herein provided: Said fifty per cent (50%) shall be distributed to each eligible municipality in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible municipalities, as indicated by the latest certified Federal Decennial Census. The funds received by each eligible municipality may be expended for any public purpose for which the municipality may expend tax or nontax revenues.

Forty-five per cent (45%) to the general fund of Columbus County, to be allocated in equal parts to the board of education of any school unit in which an ABC store is located.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 770 **CHAPTER 541**

AN ACT TO AMEND G. S. 105-345 RELATING TO THE DISCOUNT FOR PREPAYMENT OF TAXES, AS APPLIED TO CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 434 of the Session Laws of 1953 is hereby amended by rewriting the said Session Law to read as follows:

"Provided, the maximum discount allowable for prepayment of ad valorem taxes in Catawba County shall be one per cent (1%) to be allowed if paid within 15 days from the date the tax notice is mailed to the taxpayer or at any time prior thereto. For the purpose of determining the date when the tax notice is mailed to the taxpayer, the date which said notice is postmarked shall be the determining date. Taxes shall be collected at net after this 15-day period. Penalties shall accrue as under the present statute (G. S. 105-345)."

Sec. 2. This Act shall apply only to Catawba County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 830 **CHAPTER 542**

AN ACT AMENDING CHAPTER 908 OF THE 1963 SESSION LAWS RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF HAMLET IN RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The last paragraph of Section 3(a) of Chapter 908, Session Laws of 1963, is amended by striking from line 1 thereof the words and punctuation "and biennially thereafter,".

Sec. 2. Section 3(a) of Chapter 908, Session Laws of 1963 is amended by adding a new paragraph at the end of said Section to read as follows:

"At the election to be held in 1969, and biennially thereafter, three Commissioners shall be elected. The two candidates for Commissioner receiving the highest number of votes shall be elected for a term of four years and the candidate receiving the next highest number of votes shall be elected for a term of two years. All candidates elected as Commissioner shall serve until their successors are elected and qualified."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 843 **CHAPTER 543**

AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RELEASE ANY INTEREST IT AND THE PUBLIC GENERALLY MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF PERMITTING THE KNIGHT PUBLISHING COMPANY TO CROSS UNDER THE SURFACE OF SOUTH CHURCH STREET FOR PRIVATE PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Charlotte is hereby authorized and empowered to permit by resolution, ordinance, or other proceedings deemed advisable, or such papers as may be necessary, to release the interest of the City of Charlotte and the public generally in and to that portion of South Church Street between Stonewall and Hill Streets for the purpose of permitting the Knight Publishing Company to erect and maintain an underground passageway approximately twenty-five feet in width and extending under and across South Church Street, said passageway to be constructed and used and said South Church Street to be crossed for the benefit of the Knight Publishing Company, its successors and assigns, generally for its and their private purposes.

Sec. 2. The underground passageway shall be constructed and maintained in a manner to be approved by the City of Charlotte.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 846 **CHAPTER 544**

AN ACT TO AMEND G. S. 160-227.1 SO AS TO MAKE PART 3A OF ARTICLE 18 OF CHAPTER 160 OF THE GENERAL STATUTES APPLICABLE TO ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-227.1, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the word "Rockingham," in line eight thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 861 **CHAPTER 545**

AN ACT TO EXTEND THE TIME FOR THE INCORPORATION OF A MUNICIPAL CORPORATION IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 959 of the Session Laws of 1963 is hereby amended by striking the date "January 1, 1967", appearing in line 4 of Section 7, and inserting in lieu thereof the date "January 1, 1969".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 863 **CHAPTER 546**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LINCOLNTON, AS CONTAINED IN CHAPTER 369 OF THE PRIVATE LAWS OF 1899, AS AMENDED BY CHAPTER 227 OF THE PUBLIC-LOCAL LAWS OF 1917, RELATING TO THE RESIDENCE OF TOWN ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 369 of the Private Laws of 1899, as amended by Chapter 227 of the Public-Local Laws of 1917, is hereby amended by adding to Section 5 thereof the following words: "If an alderman has been elected from a ward and during his tenure of office moves from his ward to another ward in the Town of Lincolnton, the alderman will not forfeit his office but will continue to serve as alderman of the Town of Lincolnton during the remaining term for which he was elected."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 915 **CHAPTER 547**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF LIST TAKERS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. General Statutes 105-287 is amended by adding at the end thereof the following: "In Wilson County the Board of County Commissioners is authorized to limit the number of list takers to be appointed in said county and to prescribe and allocate the responsibility for tax listing and assessment in the several townships of the county."

Sec. 2. This Act shall apply only to Wilson County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 922 CHAPTER 548

AN ACT TO ESTABLISH THE GUILFORD COUNTY BICENTENNIAL COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby established the Guilford County Bicentennial Commission, which shall be incorporated as a nonprofit corporation under the laws of North Carolina, and which shall consist ex officio of the Chairman of the Guilford County Board of Commissioners, who shall act as Chairman of the Commission; the Mayors of the Cities of Greensboro, High Point, Jamestown, and Gibsonville; the Guilford County Manager; the Guilford County Superintendent of Schools; the Guilford County Historian; the Director of the North Carolina Department of Archives and History; the North Carolina Superintendent of Public Instruction; three members to be appointed by the Governor; and twelve members to be appointed by the Guilford County Board of Commissioners. The Guilford County Board of Commissioners shall have the authority to appoint up to ten additional members upon recommendation of the Guilford County Bicentennial Commission. The Guilford County Bicentennial Commission shall terminate its existence pursuant to resolution of the Guilford County Board of Commissioners; except that at all events it shall terminate by December 31, 1973. The Board of County Commissioners is authorized to fill any vacancies that may occur on the Bicentennial Commission.

Sec. 2. The Commission shall have an Executive Secretary, and the County Manager shall act as Secretary until a permanent Executive Secretary is engaged by the Bicentennial Commission.

Sec. 3. The Commission shall, in cooperation with interested persons and community organizations, develop plans and programs for celebration of the Bicentennial of Guilford County, and be responsible for general direction and coordination of celebration events and activities.

Sec. 4. The members of the Commission shall serve without compensation, but shall be reimbursed for necessary expenses as approved by the Commission.

Sec. 5. In order to meet the expenses of the aforesaid Commission in carrying out their official duties, in compensating any necessary personnel, and in meeting other necessary expenses, such expenses are hereby declared to be for public purposes, for which Guilford County may appropriate nontax revenues. The Commission shall file with the County Commissioners within thirty days after each anniversary date of this Act a report of all expenditures made from County appropriations.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

H. B. 927 **CHAPTER 549**

AN ACT AUTHORIZING THE ASHE COUNTY BOARD OF EDUCATION TO CONVEY PROPERTY TO THE BOARD OF COMMISSIONERS OF ASHE COUNTY.

WHEREAS, the Idlewild Schoolhouse property has been abandoned for several years; and

WHEREAS, the County Board of Education of Ashe County deems this property unnecessary for school purposes and has no plans to use said property in the future; and

WHEREAS, the Board of Commissioners of Ashe County desires to acquire said property to be used as a voting place or for other public purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Ashe County is hereby authorized to convey to the Board of Commissioners of Ashe County, upon such consideration as the County Board of Education deems advisable, the following described property:

"BEGINNING on a hickory to southwest corner of the Methodist Church house lot, running East 2 degrees North 7½ poles to a stake, an agreed corner between S. A. Church and T. P. Fletcher; thence North with an agreed line, 8½ poles to a stake; thence West 2 degrees North with an agreed line 5¼ poles to a stake in the Methodist Church house line; thence South 10 degrees East with said line 10 poles to the BEGINNING, containing one acre, more or less, and known as the Idlewild Schoolhouse property.

"Being the property conveyed by deed dated 23 July 1904, from S. A. Church and wife, S. E. Church, to Public School Committee of District No. 1, Pine Swamp Township, Ashe County, North Carolina, of record in Book J-1, at page 236, Ashe County Registry."

Sec. 2. The Board of County Commissioners of Ashe County is authorized to acquire the above-described property to be used as a voting place or for any other public purpose beneficial to the citizens of Ashe County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. B. 83 **CHAPTER 550**

AN ACT TO ALLOW SUBSTITUTE SCHOOL TEACHERS A DEDUCTION FOR SUMMER SCHOOL EXPENSES FOR INCOME TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (3) of G. S. 105-147 is hereby amended by inserting in line 2 immediately following the comma (,) and immediately

preceding the word "principal" the following words and punctuation: "substitute teacher,".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective and shall apply to all income years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 126 CHAPTER 551

AN ACT RELATING TO PRIVILEGE LICENSE TAX ON BAKERY THRIFT STORES.

The General Assembly of North Carolina do enact:

Section 1. Section 105-98 of the General Statutes, as the same appears in the 1965 Replacement Volume 2D, is hereby amended by inserting therein after the second pargaraph thereof ending with the word "partnership" a new paragraph to read as follows:

"The term 'chain store' as used in this Section shall not include retail outlets owned and operated by wholesale bakeries at locations separate and apart from the wholesale bakery under the same ownership, management and control of the wholesale bakery and used solely as outlets for the disposition at retail of surplus or broken products of the wholesale bakery operating same and which do not deal in any other products and where the operation of such stores is only incidental to the operation of the wholesale bakery, such stores being commonly known as 'bakery thrift stores'."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 135 CHAPTER 552

AN ACT RELATING TO THE USE, POSSESSION, AND SALE OF CERTAIN GLUES AND OTHER SUBSTANCES CONTAINING TOXIC VAPORS CAPABLE OF INDUCING INTOXICATION.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act the phrase "glue containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any glue, cement, or other adhesive containing one or more of the following chemical compounds: acetone, an acetate, benzene, toluene, xylene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, or petroleum ether.

Sec. 2. No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any glue containing a solvent having the property of releasing toxic vapors or

fumes; provided, that nothing in this Section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes.

Sec. 3. No person shall, for the purpose of violating Section 2, use, or possess for the purpose of so using, any glue containing a solvent having the property of releasing toxic vapors or fumes.

Sec. 4. No person shall sell, or offer to sell, to any other person any tube or other container of glue containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for the purpose set forth in Section 2 of this Act.

Sec. 5. Any person who violates any provision of this Act shall be guilty of a misdemeanor.

Sec. 6. This Act shall become effective upon its ratification.

In the general Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 155 CHAPTER 553

AN ACT AMENDING THE CHAIN STORE TAX (G. S. 105-98) TO PROVIDE THAT NO MANUFACTURER OR VENDOR OF FERTILIZERS, FARM CHEMICALS AND SEEDS SHALL BE LIABLE THEREFOR SOLELY BY REASON OF THE SALE OF SUCH PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-98 is hereby amended by adding at the end thereof the following sentence:

"This Section shall not apply to manufacturers, retail or wholesale dealers solely by reason of the sales of fertilizers, farm chemicals, soil preparants or seeds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 163 CHAPTER 554

AN ACT TO AMEND ARTICLE 3 OF CHAPTER 108 OF THE GENERAL STATUTES TO PROVIDE THAT COUNTIES MAY TRANSFER UNEXPENDED BALANCES OF WELFARE FUNDS FROM ONE PUBLIC ASSISTANCE PROGRAM TO ANOTHER.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 108 of the General Statutes is hereby amended by deleting G. S. 108-25, G. S. 108-54, and G. S. 108-73.12 and substituting in lieu thereof the following:

"§ 108-73.12. Appropriations Not to Lapse. County appropriations for public assistance programs shall not lapse or revert, and the unexpended balances may be considered in making further public assistance appropria-

tions. Provided, that, if at any time during any fiscal year it appears to be necessary and feasible, counties, with the approval of the State Board of Allotments and Appeal, may transfer funds from one county public assistance program to another."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 174 CHAPTER 555

AN ACT TO AMEND SECTION 160-421 OF THE GENERAL STATUTES, BEING A PART OF THE REVENUE BOND ACT OF ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT, AS AMENDED, WITH REFERENCE TO THE SALE OF REVENUE BONDS AT PRIVATE SALE AND WITHOUT ADVERTISEMENT.

The General Assembly of North Carolina do enact:

Section 1. Section 160-421 of Article 34 of Chapter 160 of the General Statutes of North Carolina, the same being a part of the Revenue Bond Act of 1938, as amended, is hereby amended by changing the period at the end of the first sentence of said Section to a comma and adding the following words: "and except, further, that upon the filing with said Commission of a resolution of the governing body of a municipality requesting that its revenue bonds issued pursuant to this Article be sold at private sale and without advertisement and upon the approval of such request by said Commission, such bonds may be sold by said Commission at private sale and without advertisement to any purchaser or purchasers thereof, such sale to be for such price as said Commission shall determine to be for the best interests of the municipality and as shall be approved by the governing body of the municipality, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum (6%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 198

CHAPTER 556

AN ACT TO AMEND G. S. 54-14 TO PROVIDE THAT NORTH CAROLINA SAVINGS AND LOAN ASSOCIATIONS MAY ISSUE SUCH SERIES OR CLASSES AND KINDS OF SHARES AS MAY BE ISSUED BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 54-14 is hereby amended by striking out the colon immediately following the word "bylaws" in line 3, inserting a comma in lieu thereof, and adding the following:

"or by the Federal Home Loan Bank and Federal Savings and Loan Insurance Corporation for federal savings and loan associations, subject to such regulations and limitations as the Commissioner of Insurance may prescribe;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 199

CHAPTER 557

AN ACT ADDING SECTION 54-24.1 TO THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO PROVIDE IN THE INSURANCE DEPARTMENT A SAVINGS AND LOAN ADVISORY BOARD CONSISTING OF SEVEN MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 54 of the General Statutes is hereby amended by adding thereto a new Section following G. S. 54-24, to be designated G. S. 54-24.1, and to read as follows:

"Sec. 54-24.1. (a) There shall be in the Insurance Department a Savings and Loan Advisory Board which shall consist of seven members. The commissioner shall be a member of the board and its chairman and executive head. The Deputy Commissioner of Insurance for Savings and Loan Associations shall also be a member of the board and its vice chairman and act as chairman at times designated by the commissioner or in the absence of the commissioner. The remaining five members shall be appointed by the Governor. Of the five members appointed by the Governor, three shall have had experience in management of savings and loan associations. Three members shall be appointed for two years and two for four years, and thereafter all appointments shall be for a term of four years and until a successor has been appointed; in case of a vacancy for any reason, the Governor shall appoint a member to fill the unexpired term of office. The members of the Savings and Loan Advisory Board shall receive no salary but shall be paid for their services seven dollars ($7.00) per diem and their expenses. The board shall meet in regular session at least once each three months on call of the chairman. Special meetings may be had at any time upon call of the commissioner

or at the request of any two members of the board. The board may adjourn its meetings from day to day or until a day certain until all its business has been transacted. The commissioner or at his designation or in his absence, the Deputy Commissioner for Savings and Loan Associations, shall keep a record of all proceedings of the board, which records shall be open to public inspection.

"(b) The Savings and Loan Advisory Board shall have power to consider and, by a majority vote of its members present, to make recommendations to the commissioner upon any matter which may be submitted to the board.

"(c) The Savings and Loan Advisory Board shall within six months after the ratification of this subsection, review the rules, instructions and regulations for savings and loan associations promulgated by the Commissioner of Insurance and make its recommendations to the commissioner for the approval in whole or in part, change, deletions and amendments of such existing rules, instructions and regulations and thereafter from time to time recommend to the commissioner such changes, deletions and new rules, instructions and regulations as, in the judgment of the board, are of such nature and importance to justify such a change. The board shall recommend to the commissioner for promulgation by the commissioner rules, instructions and regulations for public hearings on matters relating to savings and loan associations which shall be used for public hearings where matters affecting savings and loan associations, in the judgment of the commissioner and of the board, are of such nature and importance as to justify and require a public hearing."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 357 CHAPTER 558

AN ACT TO AMEND CHAPTER 635 OF THE 1965 SESSION LAWS TO PROVIDE CHANGES WITH RESPECT TO PROJECTS WHOLLY SELF-LIQUIDATING.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to further amend the Capital Improvement Act of 1963, Chapter 684 of the 1963 Session Laws by amending Chapter 635 of the 1965 Session Laws with respect to projects wholly or partially self-liquidating in order to more nearly meet the needs of the institutions.

Sec. 2. Portions of Section 2 of said Chapter 635 of the 1965 Session Laws under the heading EDUCATION, beginning on page 695 of the 1965 Session Laws, is hereby amended to read as follows, under subheadings as indicated:

"EDUCATION"

North Carolina State University at Raleigh

8. Two Dormitories, 800 Students each			
First Building	$2,400,000		
Second Building	2,720,000		
		$5,120,000	
Less Self-Liquidating		5,120,000	
			— 0 —
9. Dormitory for 300 Students		1,020,000	
Less Self-Liquidating		1,020,000	
			— 0 —

Appalachian State Teachers College

4. Replacement and Enlargement of Facilities for Health and Physical Education		2,054,400	
Less 1963 Appropriation		852,750	
Less Federal Funds		574,782	
Less Self-Liquidating		626,868	
			— 0 —

Elizabeth City State College

1. Dormitory for 176 Students			
Building	572,400		
Equipment	26,000		
	598,400		
Less 1963 Appropriation	119,625		
		478,775	
Less Self-Liquidating		478,775	
			— 0 —
2. Dormitory for 124 Students			
Building	403,600		
Equipment	18,000		
	421,600		
Less 1963 Appropriation	86,625		
		334,975	
Less Self-Liquidating		334,975	
			— 0 —

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 359

CHAPTER 559

AN ACT TO AMEND CHAPTER 916 OF THE 1965 SESSION LAWS TO PROVIDE CHANGES ONLY WITH RESPECT TO PROJECTS WHOLLY SELF-LIQUIDATING.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to amend the Capital Improvement Appropriations Act of 1965, Chapter 916 of the 1965 Session Laws of North Carolina, with respect to projects wholly self-liquidating in order to more nearly meet the needs of the institutions, by increasing the cost allowance from three thousand dollars ($3,000.00) to an amount not to exceed three thousand four hundred dollars ($3,400.00) per student occupant.

Sec. 2. Portions of said Chapter 916 of the 1965 Session Laws, beginning with Section 4 on page 1236 of the 1965 Session Laws, under the heading of Education and respective institutional subheadings as indicated and affecting only projects listed in this Act, are hereby amended to read as follows:

University of North Carolina at Chapel Hill (Academic Affairs)

3.	Residence Halls for 2000 students	
	Building	$ 6,500,000
	Equipment	300,000
		6,800,000
	Less Self-liquidating	6,800,000

—0—

North Carolina State University at Raleigh

4.	Housing for 808 Single students	
	Building	2,617,200
	Equipment	130,000
		2,747,200
	Less Self-liquidating	2,747,200

—0—

University of North Carolina at Greensboro

6.	Dormitory for 450 students	
	Building	1,460,000
	Equipment	70,000
		1,530,000
	Less Self-liquidating	1,530,000

—0—

East Carolina College

2.	Dormitory for 400 students	
	Building	$1,300,000
	Equipment	60,000
		1,360,000
	Less Self-liquidating	1,360,000

—0—

3.	Dormitory for 500 students	
	Building	1,625,000
	Equipment	75,000
		1,700,000
	Less Self-liquidating	1,700,000

—0—

4.	Dormitory for 400 students	
	Building	1,300,000
	Equipment	60,000
		1,360,000
	Less Self-liquidating	1,360,000

—0—

Agricultural and Technical College

5.	Dormitory for 400 students	
	Building	1,300,000
	Equipment	60,000
		1,360,000
	Less Self-liquidating	1,360,000

—0—

Western Carolina College

2.	Two 400-Student dormitories	
	Buildings	2,600,000
	Equipment	120,000
		2,720,000
	Less Self-liquidating	2,720,000

—0—

Appalachian State Teachers College

7.	Dormitory for 300 students	
	Building	$ 975,000
	Equipment	45,000
		1,020,000
	Less Self-liquidating	1,020,000
		—0—
8.	Dormitory for 300 students	
	Building	975,000
	Equipment	45,000
		1,020,000
	Less Self-liquidating	1,020,000
		—0—
9.	Dormitory for 300 students	
	Building	975,000
	Equipment	45,000
		1,020,000
	Less Self-liquidating	1,020,000
		—0—
10.	Dormitory for 300 students	
	Building	975,000
	Equipment	45,000
		1,020,000
	Less Self-liquidating	1,020,000
		—0—

Pembroke State College

6.	Dormitory for 100 students	
	Building	325,000
	Equipment	15,000
		340,000
	Less Self-liquidating	340,000
		—0—
7.	Dormitory for 100 students	
	Building	325,000
	Equipment	15,000
		340,000
	Less Self-liquidating	340,000
		—0—

Winston-Salem State College

4.	Dormitory for 125 students	
	Building	$ 407,000
	Equipment	18,000
		425,000
	Less Self-liquidating	425,000
		—0—

Elizabeth City State College

1.	Dormitory for 176 students	
	Building	572,400
	Equipment	26,000
		598,400
	Less Self-liquidating	598,400
		—0—
2.	Dormitory for 124 students	
	Building	403,600
	Equipment	18,000
		421,600
	Less Self-liquidating	421,600
		—0—

North Carolina College at Durham

2.	Dormitory for 400 students	
	Building	1,300,000
	Equipment	60,000
		1,360,000
	Less Self-liquidating	1,360,000
		—0—
3.	Dormitory for 200 students	
	Building	650,000
	Equipment	30,000
		680,000
	Less Self-liquidating	680,000
		—0—
4.	Dormitory for 400 students	
	Building	1,300,000
	Equipment	60,000
		1,360,000
	Less Self-liquidating	1,360,000
		—0—

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 393 CHAPTER 560

AN ACT REWRITING G. S. 106-446 RELATING TO ASSESSMENTS ON COTTON AND FARM PRODUCTS UNDER THE NORTH CAROLINA AGRICULTURAL WAREHOUSE ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-446 is rewritten in its entirety to read as follows:

"§ 106-446. State Not Liable on Warehouse Debts; Levy on Cotton or Levy on Grain and Soybeans Levied if Loss is Sustained. No debt or other liability shall be created against the State by reason of the lease or operation of the Warehouse System created by this Article or the storage of cotton or other agricultural commodities therein, it being the purpose of this Article to establish a self-sustaining system to operate as nearly as practicable at cost, without profit or loss to the State, except that expenses of supervision shall be paid by the Board of Agriculture. While it is believed that the provisions and safeguards mentioned in this Article, including the bonds required and supplemental indemnifying or guarantee fund mentioned in G. S. 106-435, will insure the security of the system beyond any reasonable possibility of loss, nevertheless, in order to establish the principle that this system should be supported by those for whose special financial benefit it is established, it is hereby provided that in the eventuality the system should suffer at any time any loss not fully covered by the aforementioned bonds and indemnifying fund, the State Board of Agriculture shall have the power to make such losses on cotton good by repeating for another 12 months selected by it the special levy on ginned cotton, as prescribed in G. S. 106-435 for the two years ending June 30, 1923 and the State Board of Agriculture shall have the power to make good such losses on soybeans, corn, wheat and grain sorghum by levying an assessment of one cent (1¢) per bushel on each bushel of soybeans, corn, wheat, and grain sorghum sold by producers through commercial channels for such period of time as is necessary to pay off said loss. The assessment shall be paid by the producer of the soybeans, corn, wheat and grain sorghum to the collecting handler. The collecting handler shall be any person, firm, corporation or other legal entity who purchases soybeans, corn, wheat or grain sorghum from the producer. The collecting handler shall collect the assessment at the time he first makes any payment or any credit to the producer's account for the soybeans, corn, wheat or grain sorghum. Each collecting handler shall transmit assessment and reports on assessments to the North Carolina Department of Agriculture no later than the tenth day of the month next following the month in which the assessment was or should have been levied. The report which shall be sent to the Department of Agriculture with the assessment shall contain the following information: (1) date of report; (2) reporting

period covered by report; (3) name and address of collecting handler; (4) listing of all producers from whom the collecting handler collected the assessment, and total number of bushels of each grain for each producer on which the collecting handler collected the assessment. Failure of the collecting handler to collect the assessment shall not relieve the collecting handler of his obligation to remit the assessment to the North Carolina Department of Agriculture. Each collecting handler required to make reports pursuant to this Article shall maintain such books and records as are required by the Commissioner of Agirculture or his authorized representative, and they shall be available for inspection for at least two years beyond the 12-month period of their applicability. The North Carolina Department of Agriculture shall have authority to make reasonable rules and regulations for the collection of this assessment and for the enforcement of this Act. The funds collected pursuant to this Act shall be held in the State Treasury to the credit of the State Warehouse System and shall be a part of the guarantee fund provided for in G. S. 106-435."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 402 **CHAPTER 561**

AN ACT TO AMEND CHAPTER 213, SESSION LAWS OF 1967 RELATING TO THE TIME FOR HOLDING A COTTON REFERENDUM PURSUANT TO ARTICLE 50, CHAPTER 106, OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 213, Session Laws of 1967, is hereby amended by striking out the period in Section 1, at the end of the first sentence thereof and adding the following:

", or for the years 1969 through 1973, in its discretion."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 251 **CHAPTER 562**

AN ACT TO AMEND THE UNIFORM COMMERCIAL CODE AS ENACTED IN THIS STATE AND TO AMEND OTHER RELATED STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 25 of the General Statutes of North Carolina, the Uniform Commercial Code, as the same appears in 1965 Replacement

Volume 1D of the General Statutes of North Carolina, is hereby amended as follows:

(1) G. S. 25-1-201 (28) is amended by deleting the word "property" from the third line thereof.

(2) A new Section is added, immediately following G. S. 25-1-208, to read as follows:

"§ 25-1-209. Subordinated Obligations. An obligation may be issued as subordinated to payment of another obligation of the person obligated, or a creditor may subordinate his right to payment of an obligation by agreement with either the person obligated or another creditor of the person obligated. Such a subordination does not create a security interest as against either the common debtor or a subordinated creditor. This Section shall be construed as declaring the law as it existed prior to the enactment of this Section and not as modifying it."

(3) G. S. 25-2-207(2) is amended by striking out the words "or different" in the first line thereof.

(4) G. S. 25-2-702(3) is amended by striking out the words, "or lien creditor" in the second line thereof.

(5) G. S. 25-2-716(1) is amended by adding the words, "or in other proper circumstances" to the end of the sentence constituting that subsection.

(6) G. S. 25-2-723(2) is amended by inserting the words "in commercial judgment or" after the word "which" and before the word "under" in the third line thereof.

(7) G. S. 25-2-725(1) is amended by adding the following sentence at the end thereof: "By the original agreement the parties may reduce the period of limitation to not less than one year but may not extend it."

(8) G. S. 25-3-501(3) is amended by deleting from the first sentence the words "and territories of the United States and the District of Columbia" and inserting in lieu thereof the words ", territories, dependencies and possessions of the United States, the District of Columbia and the Commonwealth of Puerto Rico."

(9) G. S. 25-3-802(1)(b) is amended by adding to the end of the last sentence thereof the words, "to the extent of his discharge on the instrument", so that the sentence reads, "If the instrument is dishonored, action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation to the extent of his discharge on the instrument."

(10) G. S. 25-4-106 is amended by deleting therefrom the words "maintaining its own deposit ledgers".

(11) G. S. 25-4-204 is amended by deleting from the Section caption thereof the last word, "bank".

(12) G. S. 25-4-405 is amended by striking the words "or (of)" from line 4 of subsection (1) and inserting in lieu thereof the word "of" and by adding a new subsection as follows:

"(3) A transaction, although subject to this Article, is also subject to § 105-24, and § 41-2.1, and in case of conflict between the provisions of this Section and either of those Sections, the provisions of those Sections control."

(13) G. S. 25-6-106, G. S. 25-6-107(2)(e), G. S. 25-6-108(3)(c), and G. S. 25-6-109(2) are repealed.

(14) G. S. 25-7-209(3) is amended by adding a second paragraph so that subsection (3) will read as follows:

"(3) (a) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7-503.

(b) A warehouseman's lien on household goods for charges and expenses in relation to the goods under subsection (1) is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. "Household goods" means furniture, furnishings and personal effects used by the depositor in a dwelling."

(c) Where the holder of a security interest with respect to the property stored, or any part thereof, has instituted appropriate legal proceedings for the recovery of possession of property, such holder shall be entitled to possession under the writ or other process upon payment of a fair fractional portion of the total storage charges reasonably allocable to the storage of the property described in the writ or other process.

(15) G. S. 25-9-105(1)(b) is amended by changing the period at the end of the first sentence to a semicolon and by adding immediately thereafter the following: "a charter or other contract involving the use or hire of a vessel is not chattel paper."

(16) G. S. 25-9-103(2) is amended by deleting the word "and" in the last sentence thereof after the word "airplane," and before the word "chief", and inserting in lieu thereof the word "the".

(17) G. S. 25-9-106 is amended by adding at the end thereof the following sentence: "All rights earned or unearned under a charter or other contract involving the use or hire of a vessel and all rights incident to the charter or contract are contract rights and neither accounts nor general intangibles."

(18) G. S. 25-9-203(2) is amended by rewriting the first sentence thereof to read, "A transaction, although subject to this Article, is also subject to the North Carolina Consumer Finance Act (being G. S. 53-164 through G. S. 53-191), G. S. 24-1 and G. S. 24-2, and G. S. 91-1 through G. S. 91-8, and in case of conflict between the provisions of this Article and any such statute, the provisions of such statute control."

(19) G. S. 25-9-204(4)(a) is amended by deleting the words "one year" in line 1 thereof after the word "than" and before the word "after", and inserting in lieu thereof the words "five years".

(20) G. S. 25-9-302(1) is amended by rewriting subdivisions (c) and (d) thereof to read as follows:

"(c) a purchase money security interest in farm equipment having a purchase price not in excess of twenty-five hundred dollars ($2500.00); but filing is required for a fixture under Section 25-9-313 or for a motor vehicle required to be licensed; however, compliance with G. S. 20-58 et seq shall meet the filing requirements for such motor vehicles."

"(d) a purchase money security interest in consumer goods; but filing is required for a fixture under Section 25-9-313 or for a motor vehicle required to be licensed; however, compliance with G. S. 20-58 et seq shall meet the filing requirements for such motor vehicles."

(21) G. S. 25-9-302 is amended by inserting, in subsection 5, the words "or by any electric or telephone membership corporation domesticated or incorporated in North Carolina," after the words and figures "G. S. 62-3(23)" and before the word "but" in the third line thereof; and by adding a new subsection to said Section, to be known as subsection (6) and to read as follows:

"(6) The filing provisions of this Article do not apply to any security interest created in connection with the issuance of any bond, note or other evidence of indebtedness for borrowed money by this State or any political subdivision or agency thereof."

(22) G. S. 25-9-306(4)(c) is amended by deleting the word "indentifiable" in line 1 thereof after the word "in" and before the word "cash", and inserting in lieu thereof the word "identifiable".

(23) G. S. 25-9-313(4) is amended by striking out the last paragraph thereof, which paragraph begins with the words "Any provision" and ends with the words "this State".

(24) G. S. 25-9-403(4) is amended by striking out the third sentence thereof, which reads, "If the instrument covers goods which are, or are to become fixtures, he shall file or record the same in accordance with the requirements which he is required to observe with respect to the filing or recording of mortgages of real estate under the laws of this State."

(25) G. S. 25-9-404 is amended by striking out subsection (4).

(26) G. S. 25-9-407(2) is rewritten to read as follows:

"(2) Upon request of any person, the filing officer shall issue his certificate for which he shall not be liable showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be two dollars ($2.00) plus one dollar ($1.00) for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar ($1.00) per page."

(27) G. S. 25-9-408 is repealed.

Sec. 2. Chapter 45 of the General Statutes, as the same appears in 1966 Replacement Volume 2A is hereby amended as follows:

(1) The following Sections of Chapter 45 of the General Statutes are repealed: 45-1, 45-2, 45-3, 45-3.1, 45-21.5, 45-21.6, 45-21.13, 45-21.16(4), 45-21.18, 45-21.19, 45-21.25, and 45-21.30(b).

(2) G. S. 45-7, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by rewriting the second line thereof to read: "sales of real property, under a power of sale contained in any mort-".

(3) G. S. 45-8, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting the words "of

real property" in the second line thereof, immediately after the word "trust" and before the word "wherein".

(4) G. S. 45-10, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by striking out of the fifth line thereof the words "or personal" immediately after the word "real" and immediately before the word "property".

(5) G. S. 45-11, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by striking out of the second line thereof the words "or personal" immediately after the word "real" and immediately before the word "property".

(6) G. S. 45-21.1 is rewritten to read as follows:

"45-21.1. Definition. As used in this Article, 'Sale' means only a sale of real property pursuant to an express power of sale contained in a mortgage or deed of trust."

(7) G. S. 45-21.11, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by rewriting the first and second lines thereof to read: "When a series of notes maturing at different times is secured by a mortgage or deed of trust and the exercise of the power of sale for the".

(8) G. S. 45-21.12, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by rewriting the third line thereof to read: "contained in any mortgage or deed of trust, or provided"; and by rewriting the sixth and seventh lines thereof to read:

"(6) If a sale pursuant to a power of sale contained in a mortgage or deed of trust, or provided by statute, is commenced within".

(9) G. S. 45-21.20(1), as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby rewritten to read:

"(1) The obligation secured by the mortgage or deed of trust, and".

(10) G. S. 45-21.21(b)(2) is rewritten to read:

"(2) On the same day, attach to or enter on the original notice of sale or a copy thereof, posted at the courthouse door, as provided by G. S. 45-21.17, a notice of the postponement."

(11) G. S. 45-21.31(a) is amended by deleting from subdivisions (2) and (3) thereof, the phrase "if the property sold is real property" which immediately follows the citation of G. S. 105-408 in each of the two subdivisions.

(12) G. S. 45-21.36 is amended by deleting the words "or personal property" from the beginning of the second line thereof.

(13) G. S. 45-21.38 is amended by striking out the last paragraph thereof, which paragraph begins with the words, "Whenever a power of sale" and ends with the words "obligations of the buyer."

Sec. 3. Chapter 25 of the General Statutes, as the same appears in 1965 Replacement Volume 1D of the General Statutes of North Carolina, is hereby amended as follows:

(1) A new Section is added to Part 2 of Article 9, to read as follows:

"§ 25-9-201.1. Security Interests Granted in Household and Kitchen Furniture. (1) Except as provided in subsection (2) of this Section, all conveyances of household and kitchen furniture by a married person, made to secure the payment of money or other things of value, are void unless his or her spouse joins therein.

"(2) A conveyance referred to in subsection (1) of this Section is valid without the joinder of the spouse if:

(a) The conveyance is made to secure the payment of all or part of the purchase price of the property conveyed; or

(b) The spouse not joining in the conveyance has been adjudged a lunatic or insane; or

(c) The spouse who executes the conveyance is authorized to do so by a valid and lawful deed of separation previously executed by the husband and wife; or

(d) The spouse who executes the conveyance is the spouse not at fault in one of the instances described in G. S. 31A-1(d)."

(2) The following two Sections are added to the end of Part 5 of Article 9:

"§ 25-9-508. Application of Statute of Limitations to Serial Notes. When a series of notes maturing at different times is secured by a security agreement and the exercise of the power of sale or foreclosure for the satisfaction of one or more of the notes is barred by the Statute of Limitations, that fact does not bar the exercise of the power of sale or foreclosure for the satisfaction of indebtedness represented by other notes of the series not so barred."

"§ 25-9-509. Power of Sale Barred When Foreclosure Barred. (1) Except as provided in subsection (2), no person shall exercise any power of sale contained in any security agreement, or provided by statute, when an action to foreclose the lien contained in said security agreement is barred by the Statute of Limitations.

"(2) If a sale pursuant to a power of sale contained in a security agreement, or provided by statute, is commenced within the time allowed by the Statute of Limitations to foreclose the lien of such security agreement, the sale may be completed, although such completion is effected after the time when commencement of an action to foreclose would be barred by the Statute. For the purpose of this Section, a sale is commenced when the notice of public sale is first posted or published as provided in this Article."

(3) The following two Sections are added to Part 5 of Article 9, immediately following § 25-9-504:

"§ 25-9-504.1. Payment of Surplus to Clerk. (1) Any surplus remaining after the application of the proceeds of the sale or other disposition as set out in § 25-9-504 (1) and (2) shall be paid to the person or persons entitled thereto, if the party who made the sale knows who is entitled thereto. Otherwise, the surplus shall be paid to the Clerk of the Superior Court of the county where the sale or other disposition was held, if the disposition took place in this State. If the sale or other disposition took place outside this State, then the secured party or person making the sale or other disposition shall pay said surplus money to the Clerk of Superior Court of any county in this State in which the secured party or other party conducting the said sale or disposition does business. Said payment discharges the secured party from liability to the extent of the amount so paid. Said Clerk of Superior Court shall accept such surplus from said secured party and shall execute a receipt therefor.

"(2) Said Clerk of Superior Court is liable on his official bond for the safekeeping of money so received until it is paid to the party or parties entitled thereto, or until it is paid out under the order of a court of competent jurisdiction."

"§ 25-9-504.2. Special Proceedings to Determine Ownership of Surplus. (1) A special proceeding may be instituted before the Clerk of Superior Court by any person claiming any portion of the surplus paid into the clerk's office under § 25-9-504.1, to determine who is entitled thereto.

"(2) All other persons who have filed with the clerk notice of their claim to the aforesaid surplus or any part thereof, or who, as far as the petitioner(s) know, asserts any claim to said surplus or any part thereof, shall be made defendants in the proceeding.

"(3) If any answer is filed raising issues of fact as to the ownership of the surplus (money), the proceeding shall be transferred to the civil issue docket of the district or Superior Court for trial.

"(4) The court may, in its discretion, allow a reasonable attorney's fee for any attorney appearing in behalf of the party or parties who prevail, to be paid out of the funds in controversy, and shall tax all costs against the losing party or parties who have asserted a claim to the fund by petition or answer."

(4) A new Part is added to Article 9, to read as follows:

PART 6

PUBLIC SALE PROCEDURES

"§ 25-9-601. Disposition of Collateral by Public Sale. Disposition of collateral by public proceedings as permitted by § 25-9-504 may be made in accordance with the provisions of this Part. The provisions of this Part are not mandatory for disposition by public proceedings, but any disposition of the collateral by public sale wherein the secured party has substantially complied with the procedures provided in this Part shall conclusively be deemed to be commercially reasonable in all aspects."

"§ 25-9-602. Contents of Notice of Sale. The notice of sale shall substantially:

(a) Refer to the security agreement pursuant to which the sale is held;

(b) Designate the date, hour and place of sale consistent with the provisions of the security agreement and the provisions found in Part 6 of Article 9 of Chapter 25 of the General Statutes;

(c) Describe personal property to be sold substantially as it is described in the security agreement pursuant to which the power of sale is being exercised, and may add such further description as will acquaint bidders with the nature of the property;

(d) State the terms of the sale provided by the security agreement pursuant to which the sale is held, including the amount of the cash deposit, if any, to be made by the highest bidder at the sale;

(e) Include any other provisions required by the security agreement to be included therein; and

(f) State that the property will be sold subject to taxes and special assessments if it is to be so sold."

"§ 25-9-603. Posting and Mailing Notice of Sale. (1) In each public sale conducted hereunder, the notice of sale shall be posted on a bulletin board provided for the posting of such legal notices, in the courthouse, in the county in which the sale is to be held, for at least five days immediately preceeding the sale.

"(2) In addition to the posting of notice required by subsection (1), the secured party or other party holding such public sale shall, at least five days before the date of sale, mail by registered or certified mail a copy of the notice of sale to each debtor obligated under the security agreement:

(a) At the actual address of the debtors, if known to the secured party, or

(b) At the address, if any, furnished the secured party, in writing, by the debtors, or otherwise at the last known address.

"(3) In addition to mailing a copy of the notice of sale to each debtor, the secured party or other party holding such sale shall, except in the case of consumer goods, also mail a copy of said notice by registered or certified mail to any other secured party and any other party who has filed with him a written request for such notice, at the address set forth in said Request for Notice."

"§ 25-9-604. Exception as to Perishable Property. If, in the opinion of a secured party about to conduct a public sale of personal property hereunder, the property is perishable because subject to rapid deterioration or threatens to decline speedily in value, he may report such fact, together with a description of the property to the Clerk of the Superior Court of the county in which the property is to be sold, and apply for authority to sell the property at an earlier date than is provided in this Article. Upon the clerk's determination that the property is such perishable or speedily depreciating property, he shall order a sale thereof to be held at such time and place and upon such notice, if any, as he deems advisable."

"§ 25-9-605. Postponement of Public Sale. (1) Any person exercising a power of sale or conducting a public sale hereunder may postpone the sale to a day certain not later than six days, exclusive of Sunday, after the original date for the sale:

(a) When there are no bidders, or

(b) When, in his judgment, the number of prospective bidders at the sale is substantially decreased by inclement weather or by any casualty, or

(c) When there are so many other sales advertised to be held at the same time and place as to make it inexpedient and impracticable in his judgment, to hold the sale on that day, or

(d) When he is unable to hold the sale because of illness or for other good reason, or

(e) When other good cause exists.

"(2) Upon postponement of a public sale, the person exercising the power of sale shall personally, or through his agent or attorney:

(a) At the time and place advertised for the sale, publicly announce the postponement thereof, and

(b) On the same day, attach to or enter on the original notice of sale or a copy thereof, posted on the bulletin board provided therefor, as provided by G. S. 25-9-603, a notice of the postponement.

"(3) The posted notice of postponement shall:

(a) State that the public sale is postponed,

(b) State the hour and date to which the public sale is postponed,

(c) Substantially state the reason for the postponement, and

(d) Be signed by the person authorized to hold the public sale, or by his agent or attorney.

"(4) If a public sale is not held at the time fixed therefor and is not postponed as provided by this Section, or if a postponed sale is not held at the time fixed therefor, the person authorized to hold the public sale may readvertise the property in the same manner as he was required to advertise the sale which was not held, and may hold a public sale at such later date as is fixed in the new notice of sale."

"§ 25-9-606. Procedure upon Dissolution of Order Restraining or Enjoining Sale. (1) When, before the date fixed for a sale, a judge dissolves an order restraining or enjoining the sale, he may, if the required notice of sale has been given, as provided in G. S. 25-9-603, provide by order that the public sale shall be held without additional notice at the time and place originally fixed therefor; or he may, in his discretion, make an order with respect thereto as provided in subsection (2).

"(2) When, after the date fixed for a public sale, a judge dissolves an order restraining or enjoining said sale, he shall, by order, fix the time and place for the sale to be held upon notice to be given and in such manner and for such length of time as he deems advisable."

"§ 25-9-607. Disposition of Proceeds of Sale. The proceeds of any sale or other disposition of the collateral shall be applied by the person making the sale in the manner prescribed by § 25-9-504(1) and (2), § 25-9-504.1 and § 25-9-504.2."

(5) G. S. 25-10-105 is hereby repealed.

Sec. 4. Chapter 6 of the General Statutes is hereby amended by inserting therein the following Section.

"§ 6.21.2. Attorneys' Fees in Notes, Etc., in Addition to Interest. Obligations to pay attorneys' fees upon any note, conditional sale contract or other evidence of indebtedness, in addition to the legal rate of interest or finance charges specified therein, shall be valid and enforceable, and collectible as part of such debt, if such note, contract or other evidence of indebtedness be collected by or through an attorney at law after maturity, subject to the following provisions:

(1) If such note, conditional sale contract or other evidence of indebtedness provides for attorneys' fees in some specific percentage of the 'outstanding balance' as herein defined, such provision and obligation shall be valid and enforceable up to but not in excess of fifteen per cent (15%) of said 'outstanding balance' owing on said note, contract or other evidence of indebtedness.

(2) If such note, conditional sale contract or other evidence of indebtedness provides for the payment of reasonable attorneys' fees by the debtor, without specifying any specific percentage, such provision shall be construed to mean fifteen per cent (15%) of the 'outstanding balance' owing on said note, contract or other evidence of indebtedness.

(3) As to notes and other writing(s) evidencing an indebtedness arising out of a loan of money to the debtor, the 'outstanding balance' shall

mean the principal and interest owing at the time suit is instituted to enforce any security agreement securing payment of the debt and/or to collect said debt.

(4) As to conditional sale contracts and other such security agreements which evidence both a monetary obligation and a security interest in or a lease of specific goods, the 'outstanding balance' shall mean the 'time price balance' owing as of the time suit is instituted by the secured party to enforce the said security agreement and/or to collect said debt.

(5) The holder of an unsecured note or other writing(s) evidencing an unsecured debt, and/or the holder of a note and chattel mortgage or other security agreement and/or the holder of a conditional sale contract or any other such security agreement which evidences both a monetary obligation and a security interest in or a lease of specific goods, or his attorney at law, shall, after maturity of the obligation by default or otherwise, notify the maker, debtor, account debtor, endorser or party sought to be held on said obligation that the provisions relative to payment of attorneys' fees in addition to the 'outstanding balance' shall be enforced and that such maker, debtor, account debtor, endorser or party sought to be held on said obligation has five days from the mailing of such notice to pay the 'outstanding balance' without the attorneys' fees. If such party shall pay the 'outstanding balance' in full before the expiration of such time, then the obligation to pay the attorneys' fees shall be void, and no court shall enforce such provisions."

"Notwithstanding the foregoing, however, if debtor has defaulted or violated the terms of the security agreement and has refused, on demand, to surrender possession of the collateral to the secured party as authorized by § 25-9-503, with the result that said secured party is required to institute an ancillary claim and delivery proceeding to secure possession of said collateral; no such written notice shall be required before enforcement of the provisions relative to payment of attorneys' fees in addition to the 'outstanding balance'."

Sec. 5. The General Statutes are hereby amended as follows:

(1) G. S. 25-10-107 is repealed.

(2) G. S. 47-20 is amended by striking out the phrase at the end thereof which reads ", unless subject to the filing requirements of Article 9 of the Uniform Commercial Code (Chapter 25 of the General Statutes) and duly filed pursuant thereto", and inserting in lieu thereof the following: "; provided however that any transaction subject to the provisions of the Uniform Commercial Code (Chapter 25 of the General Statutes) is controlled by the provisions of that Act and not by this Section."

Sec. 6. G. S. 44-28 and 44-29, relating to Warehouse Storage Liens, are hereby repealed.

Sec. 7. G. S. 44-38.1, relating to liens on personal property created in another state, is hereby repealed.

Sec. 8. G. S. 20-77(d) is hereby amended by striking out the present provisions thereof and inserting in lieu thereof the following: "(d) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed for 30 days, shall within five days after the expiration of that period, report the vehicle as unclaimed to the Department.

"A vehicle left by any person whose name and address are known to, or are furnished from a reliable method of identification to, the operator or his employee is not considered unclaimed. A person who fails to report a vehicle as unclaimed in accordance with this Section forfeits all liens for storage, and, in addition thereto, the failure to make the report required by this Section shall constitute a misdemeanor punishable by a fine not to exceed fifty dollars ($50.00) or 30 days imprisonment, or both, in the discretion of the court."

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective at midnight on June 30, 1967. This Act becomes effective on the same date as the Uniform Commercial Code, and the fact that the provisions of this Act were enacted at a later date than the Uniform Commercial Code shall not be considered in construing the provisions contained herein or any provisions of the Uniform Commercial Code.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 316 CHAPTER 563

AN ACT TO AMEND CERTAIN STATUTES RELATING TO THE MILITIA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 127-1 is hereby amended by rewriting the first sentence thereof to read as follows:

"The Militia of the State shall consist of all able-bodied citizens of the State and of the United States who are not exempt by reason of aversion to bearing arms, from religious scruples; together with all other able-bodied persons who are, or have or shall have declared their intention to become, citizens of the United States, subject to such qualifications as may be hereinafter prescribed, who shall voluntarily enlist or accept commission, appointment or assignment to duty therein; provided, no female citizen shall be subject to draft into the Militia of the State."

Sec. 2. G. S. 127-3.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by striking out of the next to the last line thereof the letters and figures "G. S. 127-1" and inserting in lieu thereof "G. S. 127-2, G. S. 127-4 or G. S. 127-111".

Sec. 3. G. S. 127-14 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by:

(1) The fifth sentence thereof is rewritten to read "He shall make a biennial report to the Governor and to the General Assembly on or before the 30th day of June of each biennium, including a detailed statement of all expenditures made for military purposes during that period."

(2) The sixth sentence thereof is hereby stricken out.

Sec. 4. G. S. 127-37 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by striking out of the last line the word "selected" and inserting in lieu thereof "approved".

Sec. 5. G. S. 127-91 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by inserting the

word "State" in the sixth line thereof immediately after the word "against" and before the word "funds".

Sec. 6. G. S. 127-102(c) is hereby rewritten to read as follows:

"(c) There shall be allowed annually to the supply sergeant of each company, battery, troop, detachment, and similar organizations, a sum of money not to exceed the sum of one hundred dollars ($100.00)."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from the date of its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 468 CHAPTER 564

AN ACT TO AMEND PORTIONS OF THE VETERANS GUARDIANSHIP ACT RELATING TO PUBLIC GUARDIANS, MINIMUM COMPENSATION FOR GUARDIANS AND INVESTMENT OF FUNDS BY GUARDIANS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 34-4, as the same appears in the 1966 Replacement Volume 2A, is hereby rewritten so as to read as follows:

"§ 34-4. Guardian May Not be Named for More Than Five Wards; Exceptions; Banks and Trust Companies, Public Guardians, or Where Wards are Members of the Same Family. It shall be unlawful for any person, other than a public guardian qualified under Article 6, Chapter 33, General Statutes of North Carolina, to accept appointment as guardian of any United States Veterans Administration ward, if such person shall at the time of such appointment be acting as guardian for five wards. For the purpose of this Section, all minors of same family unit shall constitute one ward. In all appointments of a public guardian for United States Veterans Administration wards, the guardian shall furnish a separate bond for each appointment as required by G. S. 34-9. If, in any case, an attorney for the United States Veterans Administration presents a petition under this Section alleging that an individual guardian other than a public guardian is acting in a fiduciary capacity for more than five wards and requesting discharge of the guardian for that reason, then the Court, upon satisfactory evidence that the individual guardian is acting in a fiduciary capacity for more than five wards, must require a final accounting forthwith from such guardian and shall discharge the guardian in such case. Upon the termination of a public guardian's term of office, he may be permitted to retain any appointments made during his term of office.

"This Section shall not apply to banks and trust companies licensed to do trust business in North Carolina."

Sec. 2. G. S. 34-12, as the same appears in the 1966 Replacement Volume 2A, is hereby amended by changing the period at the end of the first sentence thereof to a comma and adding the following:

"except that the Court may approve compensation in the accounting in an amount not to exceed twenty-five dollars ($25.00) from an estate

where the income for any one year is less than five hundred dollars ($500.00)."

Sec. 3. G. S. 34-13(3), as the same appears in the 1966 Replacement Volume 2A, is hereby amended by adding the following sentence at the end thereof:

"Any guardian may encumber the home or farm so purchased for the entire purchase price or balance thereof to enable the ward to obtain benefits provided in Title 38, U. S. Code, Chapter 37, upon petition to and order of the Clerk of Superior Court of the county of appointment of said guardian and approved by the resident or presiding Judge of the Superior Court. Notice of hearing on such petition, together with copy of the petition, shall be given to the United States Veterans Administration and the North Carolina Department of Veterans Affairs by mail not less than 15 days prior to the date fixed for the hearing."

Sec. 4. G. S. 34-13(5), as the same appears in the 1966 Replacement Volume 2A, is hereby amended by changing the period at the end thereof to a comma and by adding the following:

"to the extent that such investment is insured by the Federal Deposit Insurance Corporation."

Sec. 5. Wherever in Chapter 34 of the General Statutes the words "North Carolina Veterans Commission" appears, the same shall be stricken out and the words "North Carolina Department of Veterans Affairs" inserted in lieu thereof.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be effective from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 504 CHAPTER 565

AN ACT TO AMEND G. S. 8-3, WITH REGARD TO THE PROOF OF LAWS OF OTHER STATES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-3, as the same appears in 1953 Recompiled Volume 1B of the General Statutes, is hereby amended as follows:

(1) The first three sentences thereof are designated as subsection "(a)."

(2) The fourth sentence thereof is stricken out.

(3) The following subsection is added:

"(b) Any party may exhibit a copy of the law of another state, territory, or foreign country copied from a printed volume of the laws of such state, territory, or country on file in

(1) The offices of the Governor or the Secretary of State, and duly certified by the Secretary of State, or

(2) The State Library and certified as provided in G. S. 125-6, or

(3) The Supreme Court Library and certified as provided in G. S. 7A-13(f)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 642 CHAPTER 566

AN ACT RELATING TO THE TITLE TO THE LAND BUILT UP AND CONSTRUCTED IN THE COUNTY OF HYDE AS A RESULT OF CERTAIN EROSION CONTROL WORK IN THE SAID COUNTY.

WHEREAS, during the course of many years in the County of Hyde, North Carolina, much of the land abutting and fronting on the Pamlico Sound in said county formerly belonging to various property owners has been and is now being washed away by successive storms, tides and winds; and

WHEREAS, the said County of Hyde, with aid from the State of North Carolina, the United States Government and the Federal Agencies thereunder, and with its own funds, has or will make available from time to time funds with which to control the erosion caused by the said tides and winds, and other causes, and to that end the said county has entered into a contract or is planning to enter into such contract in the future to pump sand from the waters or from other sources within the nearby or immediate area, onto the sound side of the County of Hyde, or designated parts thereof, and as a result thereof, there has been, is now, or will be made and constructed new lands on the sound side of the Pamlico Sound located within the said county, which may or will change the ordinary and usual watermark of the waters of the Pamlico Sound, and when the project is terminated, the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the County of Hyde, as well as the State of North Carolina, to fix and define the title to such new land and to fix and determine its use, and to further define the littoral rights of the property owners abutting the sound which will be destroyed or taken by and through the making of such new-made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That all land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present property line of the land or lot owners bordering on said sound and the watermark of the Pamlico Sound after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the County of Hyde and so much of said lands so filled in, restored and made which will lie "inland" of the "building line" to be defined and determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying on the sound side of said "building line" to be fixed and determined by Section 2 of this Act is hereby granted and conveyed in fee simple to the County of Hyde, provided, however, that no building or structure

shall be built and erected on said made and built-up land lying on the sound side of the "building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying on the sound side of the "building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park as the governing authorities of the County of Hyde by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the County of Hyde shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Pamlico Sound, bordering on said newly acquired and constructed land.

Sec. 2. Within 30 days from the date of the completion of said work to be carried on by the said County of Hyde and referred to in the preamble hereof, the said County of Hyde shall, at its own cost, survey or have surveyed by a competent engineer a line to be known as the "building line", and which shall constitute and define the "building line" referred to in Section 1 of this Act, and which shall run the full length of the beach of the Pamlico Sound within the county limits, or parts thereof, that will be duly designated by the governing body of the said county, and after the "building line" shall have been surveyed and fixed and determined, the said authorities of the County of Hyde shall immediately cause to be prepared a map showing, fixing, and determining the "building line", which map so prepared shall be immediately recorded in the office of the Register of Deeds of Hyde County in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine the "building line" referred to in Section 1 of this Act.

Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the County of Hyde, or assert such claims by filing notice thereof with the governing body of the said county, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six months after the "building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title or interest in and to the territory immediately affected by and through or as a result of the doing of act or acts or thing or things herein mentioned, and shall be forever bound from maintaining any action for redress upon such claim.

Sec. 4. This Act shall only apply to Hyde County.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 703 CHAPTER 567

AN ACT TO AMEND CHAPTER 473 OF THE 1963 SESSION LAWS, TO RE-DEFINE THE CORPORATE LIMITS OF THE TOWN OF SPENCER MOUNTAIN, GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 473 Session Laws of 1963, is rewritten to read as follows:

"Sec. 2. The boundaries and corporate limits of said Town of Spencer Mountain shall be as follows:

Beginning at a concrete monument in the East bank of Long Creek situate under bridge crossing said creek on Spencer Mountain-Dallas Road (N. C. No. 2203), and running thence from point of beginning, with the East bank of Long Creek in a northeasterly direction, 1290 feet to an old 1½ pipe corner on East bank (traverse line North 33 degrees 20 minutes East, 1293.54 feet); thence North 80 degrees 29 minutes 30 seconds East, 4707.02 feet to marker and 24" poplar tree; thence South 2 degrees 42 minutes East, 1500 feet to a concrete monument; thence crossing Canal and South Fork River, South 62 degrees 53 minutes West, 520 feet to a concrete monument on South bank of South Fork River; thence along and with the South bank of South Fork River in a westerly direction 1670 feet to a monument (traverse line South 87 degrees 27 minutes West, 1644.45 feet); thence South 4 degrees 01 minute East, 1910.22 feet to a concrete monument, a common corner of May property and Pharr Yarns, Inc., situate East of Spencer Mountain-Lowell Road (N. C. No. 2201); thence with May property line, South 60 degrees 52 minutes West, 1600 feet to a concrete monument (formerly iron in stone pile); thence with line of tract conveyed to Southern Broadcasting Company, North 59 degrees 02 minutes West, 1420.09 feet to a pin in or near center of Ranlo Road, N. C. No. 2200 (existing concrete monument at 0 + 34.12 feet); thence along and with N. C. Road No. 2200, South 78 degrees 55 minutes West, 247.1 feet; thence South 73 degrees 51 minutes West, 231 feet; thence South 61 degrees 06 minutes West, 627 feet to pin; thence South 32 degrees 25 minutes West, 297 feet to pin; thence leaving N. C. Road No. 2200, North 60 degrees 02 minutes West, 377 feet to a concrete monument; thence North 29 degrees 07 minutes East, 1121.55 feet to a concrete monument in the division line of T. F. Butler (formerly), now Leslie T. West and Pharr Yarns, Inc.; thence North 30 degrees 57 minutes West, 528.15 feet to a concrete monument; thence North 25 degrees 34 minutes East, 387.7 feet to a monument; thence North 11 degrees 06 minutes East, 280 feet to monument at East bank of Long Creek; thence along and with easterly bank of Long Creek in northeasterly direction

397 feet (traverse line North 27 degrees 11 minutes East, 363.04 feet) to the point of beginning, and containing an area of 345.56 acres, more or less, as shown on survey by Findlay, Withers and McConnaughey, R. S., dated July, 1965, entitled "Town Limits of Spencer Mountain, Gaston County, North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 722 CHAPTER 568

AN ACT PERTAINING TO ARTICLE 3, CHAPTER 139, OF THE GENERAL STATUTES AS THE SAME RELATES TO A WATERSHED IMPROVEMENT PROGRAM IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Rowan County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the General Statutes of North Carolina, and for that purpose to levy, collect and expend funds derived from a special watershed improvement tax, not to exceed two cents (2¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without holding an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes, is hereby declared to be for a special purpose, and for a necessary expense, for which the special approval of the General Assembly is hereby given.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 734 CHAPTER 569

AN ACT TO AMEND CHAPTER 146 OF THE PUBLIC-LOCAL LAWS OF 1941 RELATING TO THE UTILITIES COMMISSION OF THE CITY OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 146 of the Public-Local Laws of 1941 is hereby amended by adding at the end of the Section the following sentence:

"The said Commission shall have the authority to operate and maintain a community antenna radio and television service within the area serviced by the electric system of said Commission, provided such franchise is granted to said Commission by the City of Greenville."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 735 CHAPTER 570

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN IN THE CITY OF GREENVILLE AND TO MODIFY THE APPLICATION OF G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE CITY OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Greenville, as established in accordance with G. S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Greenville Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such fund separate from the books of account of the Firemen's Local Relief Fund of the City of Greenville, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G. S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Greenville shall:

(a) prior to January 1, 1968, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of ten thousand dollars ($10,000.00);

(b) in each subsequent calendar year, and within 30 days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G. S. 118-5, transfer to the Supplemental Retirement Fund such funds;

(c) at any time when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G. S. 118-7, be less than ten thousand dollars ($10,000.00), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of ten thousand dollars ($10,000.00);

(d) as soon as practicable after January 1 of each year, but in no event later than July 1, divide the income earned in the preceding calendar year upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this Act.

Sec. 3. Supplemental Retirement Benefits. (a) Each retired fireman of the city who has previously retired with 20 years service or more as a city fireman shall be entitled to and shall receive the following supplemental retirement benefits:

(1) one share for each full year of service as a full-time and fully-paid fireman of the city;

(2) one-third of one share for each full year of service as a volunteer fireman of the city.

(b) Any former fireman of the city, either full-time and fully-paid or volunteer, who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the city a position of employment the normal duties of which he was capable of performing; and

(4) that, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(5) that there is not available to him in the fire department or in any other department of the city a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 4. Intention. It is the intention of Section 3 of this Act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Supplemental Retirement Fund and the Local Relief Fund, and it is the intention of Section 2 of this Act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (b) thereof or as a gift, grant, bequest, or donation to such fund shall ever be disbursed except as and when required by subsection (c) thereof.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by either G. S. 160-411.5 or G. S. 160-431, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments; provided, that investments in certificates of deposit or time deposits in any bank or trust company, or in shares of any building and loan or savings and loan association, shall not exceed the amounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such

deposits or investments in shares are secured in the manner provided by G. S. 159-28.

Sec. 6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G. S. 118-6. The Board of Trustees shall pay the premiums on the bond of the Treasurer.

Sec. 8. If any provision of this Act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 736 CHAPTER 571

AN ACT AUTHORIZING THE CREATION OF THE PITT COUNTY-CITY OF GREENVILLE AIRPORT AUTHORITY AS AN AGENCY OR INSTRUMENTALITY OF THE COUNTY OF PITT AND CITY OF GREENVILLE, AND AUTHORIZING SUCH AUTHORITY TO MAINTAIN AND OPERATE AN AIRPORT FOR SAID COUNTY AND SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a body corporate and politic to be known as the Pitt County-City of Greenville Airport Authority, hereinafter referred to as the "Authority". Said Authority shall be a political subdivision for all the purposes of Chapter 63 of the General Statutes and shall have all the powers conferred upon political subdivisions by such Chapter. The Authority shall consist of the members appointed from time to time as hereinafter provided and the powers of the Authority shall be vested in such members.

Sec. 2. It is hereby determined and declared that the creation of the Authority and the establishment and maintenance of the airport, landing field and other facilities appurtenant thereto as provided herein will be of benefit to the County of Pitt, hereinafter referred to as the "County" and the City of Greenville, hereinafter referred to as the "City". The Authority, in exercising the powers conferred by this Act, shall constitute and shall be deemed to be an agency or instrumentality of the County and the City.

Sec. 3. The County and the City may become participating members of the Authority by adopting appropriate resolutions to such effect and by appointing representatives to the Authority. The Authority shall consist

of five members to be appointed in the following manner and for the following terms: Two members shall be appointed by the governing body of the County, one member for a term of two years beginning July 1, 1967, and a second member for a period of four years beginning July 1, 1967. Two members shall be appointed by the governing body of the City, one member for a one-year term beginning July 1, 1967, and a second member for a three-year term beginning July 1, 1967. Thereafter, each governing body, from time to time, shall appoint a person to serve as a member of the Authority for a term of four years, and shall also appoint a member to fill any vacancy as provided below. A member appointed to fill a vacancy shall serve for the unexpired portion of the term for which he is appointed. Each member so appointed shall hold office until his successor is appointed and is qualified. It shall be the duty of each governing body to make such original appointment within 30 days after adoption of its resolution to become a participating member, and to fill any vacancy not later than 60 days after such vacancy shall occur. A failure to make any appointment or fill any vacancy within the prescribed period of time shall not affect the validity of any appointment made. The fifth member shall be appointed by the four members appointed by the respective governing bodies; he shall be a resident of the County of Pitt and/or the City of Greenville and shall serve for a period of one year from the date of his appointment. The fifth member appointed as heretofore provided shall serve as the Secretary of the Authority. The Authority shall be empowered to employ said Secretary on a full-time or part-time basis with such remuneration as may be deemed reasonable and commensurate with the services performed. In addition to the foregoing, each governing body shall designate one of its members to serve as an official advisor to the Authority. The advisors may participate fully in the deliberations of the Authority but shall not have the right to vote.

Sec. 4. The Authority shall prepare an annual budget setting forth the cost of operation and maintenance of the airport and landing field. All anticipated revenues to be derived from the operation of the airport and landing field shall be included in the budget. The budget shall be delivered to the governing body of the County and the governing body of the City. The governing body of the County and the governing body of the City are each hereby authorized to annually appropriate and pay to the Authority one-half of the cost of operation and maintenance of the airport and landing field from revenues derived from the operation of the airport and landing field, from funds derived from the sale of any land now or heretofore or hereafter owned and used for landing field purposes, or from any funds legally available therefor, provided, however, that no funds or revenues may be derived from the levy of ad valorem taxes unless a majority of the qualified voters in the respective County and City approve the same at an election called and held for said purpose.

Sec. 5. The Authority may, from time to time, prepare and submit a plan or plans with respect to additional land acquisition, additional construction, enlargement or improvement to the airport and landing field or the further equipping thereof to the governing body of the County and the governing body of the City. The governing body of the County and the governing body of the City are each hereby authorized to acquire the ad-

ditional land and to appropriate and pay to the Authority one-half of the cost of the additional construction, enlargement and improvement to the airport and landing field and the further equipping thereof, from revenues derived from the operation of the airport and landing field, from funds derived from the sale of any land now or heretofore or hereafter owned and used for landing field purposes, from any funds legally available therefor, or from the proceeds of bonds issued pursuant to Section 6 of this Act, provided, however, that no funds or revenues may be derived from the levy of ad valorem taxes nor may bonds be issued unless a majority of the qualified voters in the respective County and City approve the same at an election called and held for said purpose.

Sec. 6. The County and the City, severally are hereby authorized to issue their notes, bonds or other certificates of indebtedness to pay as their share, one-half of the cost of acquiring real property to be jointly owned by the County and the City for any airport or landing field to be constructed, enlarged, improved, maintained, equipped or operated by the Authority, and of grading of such real property, and constructing drainage facilities suitable therefor, and constructing or reconstructing or enlarging buildings or acquiring or installing equipment or making other improvements necessary or suitable for the maintenance or operation of such airport, landing field, or airport facilities and to pay said obligations and the interest thereon, by levying ad valorem taxes in an amount sufficient to pay said obligations and the interest thereon when due, provided a majority of the qualified voters in the respective County and City approve the same at an election called and held for any or all of said purposes. Such bonds if issued by the County shall be issued pursuant to and within limitations prescribed by Article 9 of Chapter 153 of the General Statutes, constituting the County Finance Act, and such bonds if issued by the City shall be issued pursuant to and within the limitations prescribed by Subchapter III of Chapter 160 of the General Statutes, constituting the Municipal Finance Act. Each of said purposes is hereby determined to be a special purpose within the meaning of Section 6 of Article V of the Constitution of North Carolina and a special approval of the General Assembly is hereby given to the issuance of such obligations by the County or the City for any of said purposes and for the levy of taxes for the payment of such obligations and the interest thereon.

Sec. 7. "Airport" or "landing field", for the purposes of this Act, shall mean any plot of land or water designated by the Authority as a place where aircraft may land or take off, including, but not limited to, all airport and airport terminal facilities which are reasonably necessary to the operation thereof.

Sec. 8. The Authority is hereby authorized to operate and maintain the real and personal property owned by the County and by the City and designated by the Authority for airport and landing field purposes, to purchase, sell, operate and maintain such other personal property necessary for the operation of the airport and landing field and to make reasonable rules and regulations for the operation of the airport and landing field and all facilities relating thereto. The Authority is hereby authorized to charge reasonable fees for the use of the airport and landing field, and the facilities relating thereto and to lease the buildings and hangars thereon, or any

part thereof, and to grant concessions upon such terms as it shall deem proper. The Authority may sue and be sued, have a seal and alter it at pleasure, make bylaws for the management and regulation of its affairs, make contracts and execute all instruments necessary or proper thereto and do all things necessary and proper to carry out the purposes of the Authority. Provided, however, that neither the Authority nor the members thereof shall have the authority to pledge the credit of the County or the City nor sell any property owned by the County or the City without the approval of the County or the City.

Sec. 9. Real and personal property necessary to operate the airport, landing field, or adjoining grounds may be acquired by the County and the City by gift, devise, lease or purchase provided such purchase is approved by both governing bodies of the County and the City and if said governing bodies are able to agree with the owners on the terms thereof. The County and the City shall also have the right to acquire property for such purpose or purposes set out above under the power of eminent domain for public purposes as provided by Section 63-5 and 63-6 of the General Statutes of North Carolina and except for the authority to hold title to real property, the Authority shall have all of the powers conferred upon governing bodies of municipalities by Chapter 63 of the General Statutes of North Carolina. The purchase price or award for property acquired for airport, landing field or adjoining grounds may be paid from appropriation of monies legally available therefor, or by the application of any funds derived by the County or the City, from federal funds or any other legally available source.

Sec. 10. All lands acquired, owned, controlled or occupied by the County and the City and operated and maintained by the Authority for the purposes enumerated in this Act shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 11. The Authority shall have the authority to adopt reasonable rules and regulations for the safety zoning of the airport and landing field, including the power to regulate the height of buildings, towers, trees and other obstructions within a reasonable radius thereof, in order to comply with any rules and regulations of the Civil Aeronautics Board, the Federal Aviation Agency, or other successor federal agency relating thereto. The Authority shall also have the authority to adopt reasonable rules and regulations in accordance with the Model Zoning Act as provided in Section 63-29 through 63-37 of the General Statutes of North Carolina and shall have the authority to institute an action in any court of competent jurisdiction seeking enforcement of the rules and regulations as provided in Section 63-35 of the General Statutes of North Carolina.

Sec. 12. Title to the property acquired by the County and the City and designated for the use of the Authority for airport or landing field purposes shall be vested in the governing bodies of the County and the City, as joint tenants; but, in the event of dissolution of the Authority and the liquidation or sale of the property any proceeds derived from such liquidation or sale shall be paid to the County and the City in the proportion of their respective contributions, and their interest in the real property.

Sec. 13. The Authority shall have exclusive jurisdiction, control, supervision and management over an airport, landing field, or adjoining grounds acquired under the provisions of and for the purposes set out in this Act whether owned by the County or City. The Authority shall have the right and is hereby empowered, to spend such funds as are appropriated and contributed from time to time by the County and City jointly or severally for airport purposes and is empowered to enter into contracts and pledge the credit of the Authority to the extent of the money appropriated and contributed by the County and City for the purposes enumerated. The Authority is also empowered to spend or use funds and revenue derived from the operation of the airport and all facilities connected therewith. The Authority shall have authority to deal and contract with the Civil Aeronautics Board, the Federal Aviation Agency or any successor agency of the United States or any other representative or agency of the United States relative to the acquiring, grading, constructing, equipping, improving, maintaining and operating of an airport or landing field established or acquired by the County and City under the authority of this Act.

Sec. 14. Three members of the Authority shall constitute a quorum for the purpose of conducting the business and exercising its powers and for all other purposes, except that one member present at a meeting may adjourn the same from time to time until a quorum is obtained. Each member of the Authority, including the chairman, shall have one vote. The affirmative vote of three members shall be necessary for any action taken by the Authority. At the first meeting of the Authority, and annually thereafter, it shall elect from its members a chairman and a treasurer. The treasurer shall execute an adequate surety bond in an amount to be fixed from time to time by the Authority. The premium on the surety bond shall be paid by the Authority. The Authority is authorized to employ such persons, including a general counsel and attorneys, as it may deem necessary to exercise its powers, duties and functions. The qualifications, terms of office, duties, services and compensation of such personnel shall be determined by the Authority. The Authority shall meet at such places and times as prescribed by the bylaws of the Authority.

Sec. 15. Members of the Authority who are not full-time officials or full-time members of the governing body of either the City or County shall be paid an amount per diem to be fixed by the Authority for each day served in attending the meetings of said Authority, and in addition thereto, the members shall be reimbursed for necessary expenses incurred in the discharge of their duties including reimbursement for travel expenses at the same rate per mile allowed by the State to State employees when such members use their personally owned automobiles.

Sec. 16. A member of the Authority shall not be considered a public officer or as a person holding office within the meaning of Article XIV, Section 7, of the Constitution of North Carolina. Any public officer of the County or the City who may be appointed as a member of the Authority shall serve ex officio as a part of his duty as a public officer of said County or City.

Sec. 17. The Authority is hereby declared to be a municipal corporation exempt from taxation.

Sec. 18. Chapter 993 of the 1959 Session Laws and all laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be declared by any court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part hereof other than the part decided to be unconstitutional or invalid.

Sec. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 759 CHAPTER 572

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF PAMLICO COUNTY TO EXECUTE A DEED FOR THE FLORENCE WHITE SCHOOL SITE TO THE FLORENCE CAMP NO. 449 OF THE WOODMEN OF THE WORLD.

WHEREAS, the Board of Education of Pamlico County conveyed the Florence White School site to the Florence Camp No. 449 of the Woodmen of the World by deed dated February 5, 1958, and recorded in Book 122 at page 567 in the office of the Register of Deeds of Pamlico County, and this deed was executed pursuant to Chapter 94 of the Session Laws of 1957; and

WHEREAS, said deed, made pursuant to a resolution of the Board of Education of Pamlico County and said Local Act, contained a provision that said land was conveyed in trust, to be maintained as a community building, with a proviso or condition that if said property should not be maintained as a community building, then title thereto would revert to the Board of Education of Pamlico County; and

WHEREAS, this condition in said deed prohibits and prevents the said Florence Camp No. 449 of the Woodmen of the World from obtaining loans to improve and remodel the old building on said land, which is in a bad state of repair, and, further, it is to the best interest of said community that said building be renovated and improved: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding the provisions of G. S. 115-126, as amended, the Board of Education of Pamlico County, in view of the considerations expressed in the preamble to this Act, is hereby authorized and empowered to convey by good and sufficient deed to the Florence Camp No. 449 of the Woodmen of the World, or to the Camp's officers or trustees, as may be considered proper, that parcel or lot of land previously conveyed to the Board of Education of Pamlico County by deed dated September 1, 1911, and recorded in Book 56, page 343, in the office of the Register of Deeds for Pamlico County, and also described in deed dated February 5, 1958, and recorded in Book 122, at page 567, in the office of the Register of Deeds of Pamlico County, and the same being the Florence White School lot conveyed to Pamlico County Board of Education by James Broadwaters and wife. The said deed from the Board of Education of Pamlico County conveying said lot of land to the Florence Camp No. 449 of the Woodmen of the World shall be a fee simple deed and shall not contain any reverter

clause or any clause relating to a possibility of reverter upon a condition subsequent, or any other reverter or reversion clause whatsoever, and the Board of Education of Pamlico County is authorized and empowered to include in the deed hereby authorized a clause which shall rescind or nullify the reverter clause expressed in the previous deed.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 767 CHAPTER 573

AN ACT TO PREVENT THE DISCHARGE OF FIREARMS ON ANY PUBLIC HIGHWAY OR STREET IN GUILFORD COUNTY, SO AS TO INSURE THE SAFETY OF THE GENERAL PUBLIC AND TO PREVENT DESTRUCTION OF PUBLIC PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to discharge or fire any pistol, shotgun, rifle, or other firearm of any description whatsoever on, or from the traveled portion of any public street or highway, or the shoulders thereof, in Guilford County; provided, however, that this Act shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties. Any person convicted of violating the provisions of this Section shall be guilty of a misdemeanor and shall be punished by fine, imprisonment, or both, in the discretion of the court.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 793

CHAPTER 574

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAKE COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN WAKE COUNTY, AND TO AUTHORIZE THE DIVISION, OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners for the County of Wake is hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Wake County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. Authority is hereby granted to the Board of County Commissioners for the County of Wake to divide, or combine townships in Wake County for tax listing purposes. The Tax Supervisor of Wake County, with the approval of the Board of County Commissioners, may appoint one or more list takers for each such unit so combined or divided.

Sec. 4. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Wake County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Wake County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Wake County. If the Board of County Commissioners of Wake County has adopted regulations relating to any matter covered by this Act, the listing in Wake County must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to Wake County.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 804 CHAPTER 575

AN ACT CREATING THE OFFENSE OF DISTURBING THE PEACE IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful in Guilford County to disturb the peace and if any person shall be found guilty of disturbing the peace, he shall, upon conviction, be punished as provided in this Section.

Sec. 2. Disturbing the peace is doing any of the following in such a manner as would foreseeably disturb or alarm the public:

(a) engaging in a fistic encounter; or

(b) using any unnecessarily loud, offensive, or insulting language; or

(c) appearing in an intoxicated condition; or

(d) engaging in any act in a violent and tumultuous manner by any three or more persons; or

(e) holding of an unlawful assembly; or

(f) commission of any other act in such a manner as to unreasonably disturb or alarm the public.

Sec. 3. Upon conviction, for the first offense, punishment shall be a fine of not more than fifty dollars ($50.00), or imprisonment for not more than 30 days; for the second offense within a period of 12 months, by a fine of not more than one hundred dollars ($100.00), or imprisonment of not more than 60 days; and for the third offense within any 12 months' period, such offense is declared a misdemeanor and is punishable as a misdemeanor within the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 928 CHAPTER 576

AN ACT TO APPROVE AND CONFIRM CONTRACTS BETWEEN THE CITY OF RALEIGH AND THE TOWN OF CARY AND BETWEEN THE CITY OF RALEIGH AND THE TOWN OF GARNER WITH REGARD TO THE PURCHASE OF WATER FROM RALEIGH BY SAID TOWNS.

The General Assembly of North Carolina do enact:

Section 1. That notwithstanding any other general or special laws, or any charter provisions of the Town of Cary, the Town of Garner or the City of Raleigh, that certain agreement dated the 1st day of March, 1966, by and between the City of Raleigh and the Town of Cary as recorded in Book 1707, page 62, in the Office of the Register of Deeds for Wake County, North Carolina, and that certain agreement dated the 21st day of February, 1967, by and between the City of Raleigh and the Town of Garner as recorded in Book 1756, page 57, in the Office of the Register of Deeds for Wake County, North Carolina, which agreements stipulate the terms and

conditions under which water service will be furnished by the City of Raleigh to the Town of Cary and to the Town of Garner respectively, be and the same are hereby confirmed and declared valid and binding agreements respectively between the City of Raleigh and the Town of Cary and the City of Raleigh and the Town of Garner, the terms of said agreements being incorporated herein by reference as is set forth fully herein.

Sec. 2. No action based upon the invalidity of the contracts herein confirmed shall lie to enjoin the issuance of, or to contest, any bonds authorized by the Town of Cary, the Town of Garner or the City of Raleigh to implement their respective contracts.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 929 CHAPTER 577

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARY AS CONTAINED IN CHAPTER 80 OF THE PRIVATE LAWS OF 1870-71, AS AMENDED RELATING TO ACREAGE CHARGES FOR WATER AND SEWER AND CERTAIN CONTRACTS RELATING TO WATER AND SEWER.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the Town of Cary as contained in Chapter 80 of the Private Laws of 1870-71, as amended, is hereby further amended, without repealing any portions thereof, as follows:

"I. Acreage Charges for Water and Sewer Connections. In addition to water and sewer service charges authorized by G. S. 160-256 and connection charges authorized by law, the Town Council may establish and collect acreage charges for making connections to the Town water and sewerage systems, both within and outside the corporate limits, to aid in the financing of new water mains and sewer outfalls and the replacement or enlargement of existing mains and outfalls. Such charges shall apply uniformly to all properties to which water or sewer service is extended subsequent to the establishment of such charges; provided, the Town may establish higher acreage charges for property to be developed for commercial, institutional, or industrial use than those established for property to be developed for other uses, and may base acreage charges for residential development on the number of dwelling units per acre of land.

"II. Contracts for Water or Sewer Extensions. Nothwithstanding any provision of this Act or of any other law, the Town Council may enter contracts with any person, firm, or corporation whereby such person, firm, or corporation agrees to bear the total initial costs of water main or sewer outfall extensions, and whereby the Town agrees to reimburse such person, firm, or corporation for that portion of such costs in excess of the acreage charges attributable to property owned by such person, firm, or corporation to or through which such extensions are made; provided, such reimburse-

ment shall be made only from revenues derived from acreage charges levied against property developed subsequent to the installation of such extensions; provided, further, nothing in this Section shall be construed so as to authorize or require the Town to reimburse, or to contract to reimburse, any person, firm, or corporation for any part of the costs of installing water or sewer lines within a subdivision to serve such subdivision."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 932 CHAPTER 578

AN ACT TO AMEND ARTICLE 6 OF CHAPTER 87 OF THE GENERAL STATUTES RELATING TO WATER WELL CONTRACTORS SO AS TO MAKE THE SAME APPLICABLE TO FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-82, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the word "Franklin," in the fifth line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

H. B. 933 CHAPTER 579

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN FRANKLIN, VANCE, AND WARREN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Franklin, Vance, and Warren Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. B. 226 **CHAPTER 580**

AN ACT AMENDING SECTION 54-21.2(a) AND (b) OF THE GENERAL STATUTES SO AS TO PERMIT INVESTMENTS FOR THE PURPOSE OF MAKING COLLEGE AND OTHER EDUCATIONAL LOANS AND TO MAKE LOANS PERMITTED BY FEDERAL SAVINGS AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (a) of Section 54-21.2 of the General Statutes is hereby amended by striking the period on line 15 at the end of the subparagraph and inserting in lieu thereof a semicolon and by adding after the semicolon the following language:

"in stock and obligations of any corporation doing business in North Carolina or of any agency of the State of North Carolina or of the United States where the principal business of such corporation or agency is to make loans for the financing of a college education and other educational loans, provided that each savings and loan association shall determine and be limited to an investment in such stock and obligations which shall not exceed a maximum of one per cent (1%) of the total outstanding loans made by each such savings and loan association."

Sec. 2. Subparagraph (b) of Section 54-21.2 of the General Statutes is hereby amended by striking from line 4 following the word "association" the language "whose home office is located in this State" and inserting in lieu thereof the following language:

"by the Congress of the United States, Federal Home Loan Bank Board and the Federal Savings & Loan Insurance Corporation."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

S. B. 289 **CHAPTER 581**

AN ACT TO REVISE EXISTING LAWS GOVERNING LOCAL JAILS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9 (8) is hereby rewritten to read as follows:

"(8) To build and maintain a courthouse and other county buildings. To erect and maintain a courthouse and other necessary county buildings in every county, to repair and maintain such courthouse and county buildings, to levy and collect taxes to pay such costs, and to make rules and regulations for the preservation of the courthouse and other county buildings."

Sec. 2. Article 7 of Chapter 153 (G. S. 153-49 through 153-53) is hereby repealed and rewritten using the title "Local Confinement Facilities" as follows:

"Article 7

"Local Confinement Facilities

"§ 153-49. Legislative Intent and Purpose. The General Assembly hereby declares its intent and legislative policy with respect to local jails and other local confinement facilities:

"(1) Local confinement facilities should provide secure custody of persons confined therein to assure the protection of the community. Such facilities should be so operated as to protect the 'health and comfort' of prisoners as required by the North Carolina Constitution.

"(2) Minimum State-wide standards should be provided to guide and assist local government in jail planning, and construction, the maintenance of jail facilities, and the development of jail programs that provide for humane treatment and contribute to the rehabilitation of offenders in the administration of justice.

"(3) The State should provide services to local government to help improve the quality of jail administration in the State, including jail inspection, consultation, and technical assistance; and other appropriate services when requested.

"(4) Adequate training for jail personnel is essential to improve the quality of jail administration. The State should provide this training and this training should be required as a condition of employment in a local confinement facility.

"§ 153-50. Definitions. The following terms or phrases shall be defined as follows in this Article unless the context or subject matter otherwise requires:

"(1) 'Local confinement facility' includes any county or municipal jail, any local lock-up, any regional or district jail, any detention facility for children or adults, any county or municipal workhouse or house of correction, and any other confinement facility operated by any local government for confinement of persons awaiting trial or serving sentences.

"(2) 'Local government' includes any county or municipality which operates a jail or other confinement facility.

"(3) 'Governing body' includes the governing body of any unit of county or municipal government which operates a jail or confinement facility, or the governing bodies of any units of local governments operating a district confinement facility.

"(4) 'Commissioner' means the State Commissioner of Public Welfare.

"(5) 'Department' means the State Department of Public Welfare as defined in G. S. 108-27.

"(6) 'Prisoner' includes any person, adult or juvenile, confined or detained.

"§ 153-51. Jail and Detention Services. The North Carolina Board of Public Welfare is hereby given the policy responsibility for providing and coordinating State services to local government with respect to local confinement facilities. An organization for jail and detention services is hereby established within the department under the direction of the Commissioner and shall have the following powers, duties, and responsibilities:

"(1) To provide consultation and technical assistance to local governmental officials concerning local confinement facilities;

"(2) To visit and inspect local confinement facilities; to advise the jailer, sheriff, county commissioners, and other appropriate officials as to deficiencies and recommendations for improvement; and to submit written reports of such inspections to appropriate officials of local government;

"(3) To review and approve plans for the construction or major modification of any local confinement facility;

"(4) To develop minimum standards for the construction and operation of local confinement facilities;

"(5) To assist the Commissioner in providing for training of personnel of local confinement facilities;

"(6) To perform such other duties as may be necessary to carry out the responsibilities of the State related to local confinement facilities as provided by law.

"§ 153-52. Minimum Standards. (a) The Commissioner of Public Welfare shall develop and publish minimum standards for the operation of local confinement facilities. In the development of these minimum standards, the department shall consult with and seek the advice of the presidents (or their designated representatives) of organizations representing local government and law enforcement, including the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Sheriffs' Association, and the North Carolina Police Executives Association. The department shall also consult with and seek the advice of the executive heads of appropriate State departments (or their designated representatives), including the Prison Department, the State Board of Health, the Department of Mental Health, and the Insurance Department. These minimum standards shall be approved by the State Board of Public Welfare and shall be effective only upon approval by the Governor. These minimum standards shall become effective not later than January 1, 1969, and shall have the force and effect of law.

"(b) These minimum standards shall be developed with a view to providing secure custody of prisoners, and to protecting their health, comfort, and welfare. Minimum standards shall include the following:

(1) Physical facilities which are secure and safe;
(2) Jail design;
(3) Adequacy of space per prisoner;
(4) Heat, light, and ventilation;
(5) Supervision of prisoners;
(6) Personal hygiene and comfort of prisoners;
(7) Medical care for prisoners;
(8) Sanitation;
(9) Food allowances, food preparation, and food handling;
(10) Such other provisions as may be necessary for the safekeeping, privacy, care, protection, and welfare of prisoners.

"§ 153-53. Inspection of Local Confinement Facilities. Personnel of the department shall visit and inspect each local confinement facility at least semiannually for the purpose of looking into the conditions of confinement and treatment of prisoners, and determining whether such facilities meet the minimum standards published under G. S. 153-52. A written report of each inspection shall be made within 30 days after the inspection to the governing body and other officials of local government responsible

for the local confinement facility. This report shall specify those respects in which the local confinement facility does not meet the required minimum standards. After receipt of this report, the governing body shall consider the report at its next regular public meeting, and shall initiate the necessary corrective action in any case where the local confinement facility does not meet specified minimum standards.

"§ 153-53.1. Enforcement of Minimum Standards. If an inspection under G. S. 153-53 discloses that a local confinement facility does not meet the minimum standards established under G. S. 153-52, and if the Commissioner considers that the conditions in such local confinement facility jeopardize the safe custody, safety, health, or welfare of prisoners confined therein: (a) he shall so notify the governing body and other officials of the local government unit responsible for the local confinement facility. A copy of this notice, together with a copy of the written report of the inspection required under G. S. 153-53, shall also be sent to the Senior Regular Resident Superior Court Judge for the district in which the local confinement facility is located. The governing body shall call a special public meeting to consider this report, and the inspectional personnel shall appear at this public meeting to advise and consult with the governing body concerning appropriate corrective action.

"(b) The governing body shall initiate appropriate corrective action within 30 days or may voluntarily close the local confinement facility. Such corrective action shall be completed within a reasonable period of time.

"(c) If the governing body fails to initiate corrective action within 30 days after receipt of the report of inspection, or fails to correct the disclosed conditions within a reasonable period of time, the Commissioner of Public Welfare may order that the local confinement facility be closed. The governing body, the Senior Regular Resident Superior Court Judge, and other responsible local officials shall be notified by registered mail of the Commissioner's order closing a local confinement facility. Such an order shall be effective immediately.

"(d) A governing body shall have the right to appeal to the Senior Regular Resident Superior Court Judge from an order of the Commissioner which requires that a local confinement facility be closed. Notice of intention to appeal shall be given by registered mail to the Commissioner and to the Senior Regular Resident Superior Court Judge within 15 days after receipt of the Commissioner's order. The right of appeal shall be deemed waived if notice is not given as herein provided.

"(e) The appeal hearing shall be before the Senior Regular Resident Superior Court Judge who shall cause proper and sufficient notice of the date, time, and place of the appeal hearing to be given to all interested parties, including the Commissioner, the governing body, and other local officials. The hearing shall be conducted by the judge without a jury, consistent with principles of due process of law and fundamental fairness. The Commissioner and members of the department, members of the governing body, and other responsible local officials, shall have a right to be present at the appeal hearing to present evidence which the court deems appropriate. The issue shall be whether the local confinement

facility met the required minimum standards on the date of the last inspection. The court may affirm, reverse, or modify the Commissioner's order.

"§ 153-53.2. Supervision of Local Confinement Facilities. (a) It shall be unlawful for prisoners to be confined in a local confinement facility unless personnel are present and available to provide continuous supervision so that custody will be secure and so that the prisoners can be protected in case of emergencies, such as fire, illness, assaults by other prisoners, or other emergencies. The personnel responsible for supervision of local confinement facilities shall have a legal duty to supervise prisoners closely enough to maintain safe custody and control and to be informed of their general health and emergency medical needs at all times.

"(b) In case of medical emergency, such supervisory personnel shall secure emergency medical care from a licensed physician according to the plan for medical care provided by the governing body under G. S. 153-53.3. If the physician designated by the medical plan of the governing body is not available, such personnel shall secure medical services through any licensed physician who is available. The cost of such medical services shall be paid by the unit of local government operating the local confinement facility.

"(c) Violation of the provisions of this Section shall be a general misdemeanor, punishable according to law.

"§ 153-53.3. Medical Care of Prisoners. (a) The governing body of any unit of local government which operates a local confinement facility shall develop a plan for providing medical care for prisoners in its confinement facility. This plan shall be developed in consultation with and upon the advice of appropriate local officials or organizations, including the sheriff, the county or municipal physician, the local or district health director, and the local medical society. This plan shall be designated to protect the health and welfare of prisoners and to avoid the spread of contagious disease. This plan shall include provisions for the services of a licensed physician specifically responsible for the medical services for prisoners required by law under G. S. 130-97 and G. S. 130-121 and shall include compensation by the governing body for such services. This plan shall further provide for medical supervision of prisoners and emergency medical care for prisoners which are deemed necessary for their health and welfare. This medical plan shall be subject to the approval of the local or district health director, who shall determine whether the plan is adequate to protect the health and welfare of the prisoners confined in the local confinement facility.

"(b) In case a prisoner dies in any local confinement facility, the medical examiner and coroner shall be notified immediately and a report of the death in writing shall be made to the local or district health director and to the Commissioner within five days of the death. This report shall be made by the jailer or other personnel supervising the local confinement facility on the proper form of the State Board of Health for reporting a death in a local confinement facility. The State Board of Health shall develop and distribute a proper form for reporting a death in a local confinement facility.

"(c) Any violation of the provisions of this Section, or any violation of the provisions of G. S. 130-97 and G. S. 130-121, shall be a general misdemeanor, punishable according to law.

"§ 153-53.4. Sanitation and Food. (a) The State Board of Health shall adopt rules and regulations governing the sanitation of local confinement facilities, including kitchens, or other places where food is prepared for prisoners. These rules and regulations shall cover such matters as cleanliness of floors, walls, ceilings, storage spaces, utensils and other facilities; adequacy of lighting, ventilation, water, lavatory facilities, bedding, food protection facilities, treatment of eating and drinking utensils, and waste disposal; methods of food preparation, handling, storage, and serving; adequacy of diet; and such other items as are necessary in the interest of the health of the prisoners and the public.

"(b) The State Board of Health shall also prepare a score sheet to be used by sanitarians of local or district health departments, who shall inspect local confinement facilities as often as required by the rules and regulations of the State Board of Health. Any findings of inspectional personnel of the State Department of Public Welfare which reflect hazards or deficiencies in the sanitation or food service of a local confinement facility shall be reported immediately to the local or district health department, which shall cause a prompt inspection to be made by a sanitarian. Reports of such inspections shall be forwarded to the Department of Public Welfare, and to the governing body, on forms to be developed by the State Board of Health. Such reports shall indicate whether the local confinement facility and its kitchen is approved or disapproved for public health purposes. If a local confinement facility or its kitchen is disapproved for public health purposes, the Commissioner shall have authority to order that the local confinement facility or the kitchen or both be closed as provided in G. S. 153-53.1 (c).

"§ 153-53.5. Training of Personnel. (a) The Commissioner shall provide for a program of training for personnel responsible for the supervision and administration of local confinement facilities, including sheriff and other elected or appointed officials. Training shall be developed upon the advice of and in consultation with the State Prison Department, North Carolina Sheriffs' Association, North Carolina Association of County Commissioners, North Carolina League of Municipalities, and North Carolina Police Executives Association. Training shall be provided to the degree possible through existing educational resources in the State.

"(b) No person or elected official shall serve as jailer or supervise or administer a local confinement facility unless he has successfully completed an approved program of training under (a) above, except on a temporary or probationary basis. No person shall serve on a temporary or probationary basis for more than one year.

"§ 153-53.6. Separation of Sexes. Male and female prisoners shall be confined in separate facilities or in separate quarters in local confinement facilities.

"§ 153-53.7. District Confinement Facilities. Any two or more units of local government (county or municipal) may agree to jointly construct, finance, and operate a district confinement facility or jail. Such an agreement shall be in writing and shall specify how construction and main-

tenance costs and administrative responsibilities will be divided between units of local government. The governing bodies shall designate a jail administrator for such a district jail. Such administrator need not be the sheriff or other official of any of the participating units of local government. Any two or more units of local government may also designate an existing jail or local confinement facility as a district confinement facility under terms agreed upon in writing by the participating governing bodies. If a district confinement facility is established, the governing bodies of the participating units of local government may dispose of their separate jails or confinement facilities upon such terms as the governing bodies may decide. The department shall provide technical and other assistance to local units of government in developing district confinement facilities."

Sec. 3. G. S. 162-22 is hereby amended by changing the period at the end after the word "thereof" to a comma and adding the following phrase: "provided that the board of county commissioners of any county by and with the consent of the sheriff shall have the authority to appoint a person other than the sheriff to serve as jailer; the person appointed by a board of county commissioners as jailer shall have the care and custody of the county jail."

Sec. 4. The following statutes are hereby repealed: G. S. 71-2; G. S. 153-179; G. S. 153-180.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

S. B. 302 CHAPTER 582

AN ACT MAKING IT A MISDEMEANOR TO DESECRATE PUBLIC AND PRIVATE CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. Article 22 of Chapter 14 is amended by adding a new Section following Section 14-150 to be designated as Section 14-150.1 and to read as follows:

"Sec. 14-150.1. Desecration of Public and Private Cemeteries. If any person shall willfully commit any of the acts set forth in the following subsections, he shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars ($100.00) or imprisoned for not more than 30 days, or both, in the discretion of the court.

(1) Throwing, placing, or putting any refuse, garbage, trash, or articles of similar nature in or on a public or private cemetery where human bodies are interred.

(2) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub or ornament located in any public or private cemetery where human bodies are interred without the express consent of the person in charge of said cemetery."

Sec. 1½. "Provided, nothing contained in this Section shall preclude operators of such cemeteries from exercising all the powers reserved to

them in their respective rules and regulations relating to the care of such cemeteries."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

S. B. 334 CHAPTER 583

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Gaston County Board of Education shall consist of six members, and, for the purpose of electing members of said Board, said County is hereby divided into six districts bounded and described as follows:

District No. 1. Riverbend Township
District No. 2. Southpoint Township
District No. 3. Dallas Township
District No. 4. Gastonia Township
District No. 5. Cherryville Township
District No. 6. Crowders Mountain Township

Within 75 days from the effective date of this Act the Gaston County Board of Elections shall hold an election for the purpose of nominating one member of the Board of Education of Gaston County from each of the six Township Districts above set forth. Any eligible elector residing in any one of said Township Districts desiring to be elected to membership on said Board from his district shall file notice of his candidacy with the Gaston County Board of Elections at least 30 days prior to the date of said election and shall pay a filing fee of five dollars ($5.00). The said notice of candidacy shall state the name, residence and district of said elector and such other information as the Gaston County Board of Elections may reasonably require. If in any of said Township Districts no eligible elector files a notice of candidacy, then the Board of Commissioners of Gaston County shall appoint a member to the Board of Education for said district. In said election all candidates shall be voted upon by the voters of Gaston County at large, and the person receiving the highest number of votes in each district shall be declared elected from his district and the members elected from each of the six districts shall constitute the Gaston County Board of Education. In the first election held under the provisions of this Act the three members receiving the largest number of votes in descending order at said election shall be elected for terms to expire upon the qualification of their successors who shall be elected at the time of the 1970 general election for county offices and the three members receiving the next highest number of votes in descending order shall be elected for terms to expire upon the qualification of their successors who shall be elected at the time of the 1968 general election for county offices.

Thereafter, three members shall be elected biennially for four-year terms. Each member so elected shall hold office for the term for which elected and until his successor is elected and qualified. Elections subsequent to the initial election shall be held to coincide with the general elections for county offices, but shall be on a nonpartisan basis and no reference to any party affiliation shall appear in either the notice of candidacy or on the ballot. All elections under this Act shall be held according to the provisions of law applicable to the election of county officers in Gaston County and as provided by Chapter 163 of the General Statutes of North Carolina. Members of the initial Board of Education elected under this Act shall take office on the first Monday of the month next following their election, and members subsequently elected shall take office at the time other county officers elected in the general election take office. In case of a vacancy on the Board of Education caused by death, resignation, change of residence, removal, failure to qualify, or otherwise, or for any other cause whatsoever, such vacancy shall be filled for the unexpired term by the remaining elected members of the Gaston County Board of Education by the appointment of some qualified person who is a resident of the district in which such vacancy occurs.

Sec. 2. The Board of Education of Gaston County shall appoint local school committees or advisory councils in accordance with Chapter 115 of the General Statutes except as the same is modified by this Act. The member of the Board of Education of Gaston County elected from each district shall, subject to the approval of the Board of Education, appoint the local school committee or advisory council for the special taxing areas within his district: Provided, however, that if a special taxing district shall overlap two or more such township districts the elected members of the Board of Education from such township districts shall, subject to the approval of the Board of Education, appoint the local school committee for such special taxing districts.

Sec. 3. The Board of Education of Gaston County shall elect a county superintendent of schools who shall serve for a term of two years, or until his successor is elected and qualified. The compensation of the members of the Board of Education of Gaston County is hereby fixed at fifteen dollars ($15.00) per meeting per member not to exceed 12 meetings per year.

Sec. 4. The members of the Board of Education of Gaston County first elected pursuant to this Act shall take office on the first Monday of the month following said election, and members subsequently elected pursuant to this Act shall take office biennially thereafter at the time other county officers elected in the general election take office. In the event that the public schools of Gaston County shall, subsequent to the passage of this Act, be consolidated or merged to the end that there shall be only one Board of Education to administer all of the public schools in the County of Gaston, then this Act shall no longer be in force and effect, and the Board of Education of Gaston County, or such other Board of Education as is established and constituted, shall be elected in accordance with the provisions of such Act or legislation which authorizes and establishes such consolidation or merger of all the school units in Gaston County.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

S. B. 358 CHAPTER 584

AN ACT TO AMEND CHAPTER 944 OF THE 1965 SESSION LAWS TO PROVIDE CHANGES ONLY WITH RESPECT TO PROJECTS WHOLLY SELF-LIQUIDATING.

The General Assembly of North Carolina do enact:

Section 1. The purpose of this Act is to amend Chapter 944 of the 1965 Session Laws of North Carolina, with respect to certain projects wholly self-liquidating in order to more nearly meet the needs of the institutions, by increasing the cost allowance from three thousand dollars ($3,000.00) to an amount not to exceed three thousand four hundred dollars ($3,400.00) per student occupant and by increasing the unit cost of faculty housing from fourteen thousand dollars ($14,000.00) per unit to an amount not to exceed seventeen thousand five hundred dollars ($17,500.00) per unit.

Sec. 2. Portions of said Chapter 944 of the 1965 Session Laws, beginning with Section 4 of page 1281 of the 1965 Session Laws, under the respective headings as indicated and affecting only the projects listed in this Act, are hereby amended to read as follows:

University of North Carolina at Chapel Hill

15. Residence Halls for 2,000 Students

Buildings	$6,500,000
Equipment	300,000
	$6,800,000
Less Self-Liquidating	6,800,000

—0—

University of North Carolina at Greensboro

25. Dormitory for 600 Students

Building	$1,950,000
Equipment	90,000
	$2,040,000
Less Self-Liquidating	2,040,000

—0—

27. Dormitories for 850 Students

Buildings	$2,760,000
Equipment	130,000
	$2,890,000
Less Self-Liquidating	2,890,000

—0—

Western Carolina College

29A. 24 Faculty Housing Units		
Building 24 @ $17,500		$ 420,000
Equipment		9,000
		$ 429,000
Less Self-Liquidating		$ 429,000

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Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect upon and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 516 CHAPTER 585

AN ACT TO AMEND CHAPTER 509, SESSION LAWS OF 1965, SO AS TO AUTHORIZE THE TAKING OF GAME FROM PUBLIC HIGHWAYS IN GASTON TOWNSHIP IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 509, Session Laws of 1965, is hereby amended by adding at the end thereof a proviso, to read as follows:

"Provided, that it shall not be unlawful to hunt, take or kill any species of birds, animals or beasts, as prohibited herein, with a shotgun in Gaston Township in Northampton County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this 24th day of May, 1967.

H. B. 622 CHAPTER 586

AN ACT REQUIRING A BUILDING PERMIT IN MACON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Before any person, firm, corporation, partnership or association shall commence the erection of a new building, or the remodeling, alteration or improvement of any building, the cost of which shall exceed a sum of five hundred dollars ($500.00), the owner or builder shall first obtain a County Builder's Permit from the County Tax Supervisor; the said permit shall show the township and the location where the said building is to be located or improved; provided, a holder of a similar building permit issued by a municipality shall not be required to obtain a County Builder's Permit.

Sec. 2. Before any person, firm, corporation, partnership or association shall erect, install or connect any house trailer or mobile home for the purpose of living in the same, he shall first obtain a County Builder's Permit from the County Tax Supervisor. The said Builder's Permit shall show the township and the location where said house trailer or mobile home is to be erected, installed or connected; provided, a holder of a similar permit from a municipality shall not be required to obtain a County Builder's Permit.

Sec. 3. The person designated by any municipality in said county to issue permits to persons, firms, corporations, partnerships, or associations within the corporate limits of said municipality, shall file a copy of such permit with the Tax Supervisor of said county on the first day of each month for permits issued during the prior month; said permit shall set forth the street and location where said building or improvement is to be located within said municipality.

Sec. 4. The Tax Supervisor of said county shall make no charges for the issuance of a County Builder's Permit.

Sec. 5. Any person, firm, corporation or partnership violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) or imprisoned for not more than 30 days.

Sec. 6. This Act shall apply only to Macon County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 625 CHAPTER 587

AN ACT TO AMEND G. S. 67-13 RELATING TO DOG DAMAGES SO AS TO EXEMPT FORSYTH COUNTY FROM CERTAIN PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 67-13 be amended by adding the word "Forsyth" after the word "Durham" and before the word "Gaston" as the same appears in line 17 thereof.

Sec. 2. That so much of Article 5 of Chapter 67 of the General Statutes of North Carolina as provides for the payment of dog damages shall be inapplicable to Forsyth County.

Sec. 3. That Chapter 283 of the Public Laws of 1931 and Chapter 547 of the Public Laws of 1933 are hereby repealed insofar as they are applicable to Forsyth County.

Sec. 4. That this Act shall apply to Forsyth County only.

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 667 CHAPTER 588

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF STANLY COUNTY TO DONATE AND CONVEY A TRACT OF LAND TO AND TO APPROPRIATE FUNDS TO DEFRAY THE COSTS OF THE OPERATION OF THE STANLY COUNTY VOCATIONAL WORKSHOP, INC.

WHEREAS, the Stanly County Vocational Workshop, Inc. is a non-stock and nonprofit corporation created and existing under and by virtue of the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of the State of North Carolina; and

WHEREAS, the purpose of said corporation is to provide vocational training and employment for persons who are so handicapped by reason of a physical or mental condition or from multiple disabilities that the handicapped person cannot compete in the regular job market; and

WHEREAS, said corporation now maintains and operates a sheltered workshop in Albemarle, Stanly County, North Carolina, for the training of such handicapped persons; and

WHEREAS, the County of Stanly is the owner of a 30.1 acre tract of land formerly used by said county for the maintenance and operation of a county home for the aged and infirm; and

WHEREAS, the Board of County Commissioners of said county desires authority, in its discretion, to convey to said non-stock and nonprofit corporation five acres of said tract of land for the use and purpose of operating and maintaining thereon a vocational workshop in accordance with the authority contained in its Charter and in accordance with local, State, and Federal laws relating to and governing the operation of sheltered workshops for the handicapped; and

WHEREAS, said Board of County Commissioners of said county desires authority, in its discretion, in lieu of donating and conveying to said corporation said tract of land, to appropriate the sum of three thousand dollars ($3,000.00) to defray the costs of maintaining and operating said workshop for the aforesaid purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Stanly County, North Carolina, is authorized, in its discretion, to donate and convey by appropriate deed a tract of land to the Stanly County Vocational Workshop, Inc., Albemarle, North Carolina, for the purpose of maintaining and operating thereon a vocational workshop in accordance with local, State, and Federal laws to provide vocational training and employment to persons who are so handicapped by reason of physical or mental condition or from multiple disabilities that such handicapped persons cannot compete in the regular job market, the tract of land now owned by said county described as follows:

Lying and being in North Albemarle Township, Stanly County, North Carolina, and being on the North side of North Carolina Road No. 1421, and beginning at a concrete monument, an old corner of the County Home property and the northwest corner of the property of Crowell Burris, and runs thence with the Burris line South 35 degrees 50 minutes East 338 feet to a concrete monument, old corner, approximately 75 feet from the North right of way of said road; thence with the old line South 26 degrees 00 minutes West, passing a concrete monument on the North right of way line of said road, for a total distance of 625 feet to a point in the old line and in the right of way of said road, which point is 14.5 feet from the center line of said road; thence a new line North 14 degrees 50 minutes West 871 feet to an iron stake, a new corner; thence a new line South 38 degrees 40 minutes East 300 feet to a concrete monument, the point of beginning, and containing five acres, more or less, as surveyed by Ellis Huneycutt, County Surveyor, Apirl 12, 1966. The above described deed shall contain an express provision that if and when said tract of land is ceased to be used for the above described purposes, the same shall revert to Stanly County.

Sec. 2. The Board of County Commissioners of Stanly County, North Carolina, is also authorized, in its discretion, in lieu of donating and conveying the tract of land described in Section 1, to appropriate the sum of three thousand dollars ($3,000.00) to defray the costs of operating and maintaining the sheltered workshop of the Stanly County Vocational Workshop, Inc.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 695 CHAPTER 589

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROBBINSVILLE, GRAHAM COUNTY, RELATING TO THE HIRING OF POLICEMEN.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 214, Private Laws of 1911, is hereby amended by adding at the end of the fifth paragraph thereof, relating to the appointment of policemen, the following sentence:

"The Mayor and the Board of Commissioners may employ as policemen persons who are not residents nor qualified voters of the Town of Robbinsville."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 733 **CHAPTER 590**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF AYDEN, CHAPTER 79 OF THE SESSION LAWS OF 1965, TO REMOVE THE LIMITATION UPON EXPENDITURES FOR RECREATION PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Section 10.2 of the Charter of the Town of Ayden, as enacted by Chapter 79 of the Session Laws of 1965, is hereby amended by striking out of the third and fourth lines thereof the words "Ten Thousand Dollars ($10,000.00) for recreational purposes and an amount not exceeding".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 758 **CHAPTER 591**

AN ACT TO PROVIDE THAT THE TRAPPING SEASON IN CARTERET COUNTY SHALL BE CLOSED DURING THE OPEN SEASON FOR THE TAKING OF DEER, QUAIL, RABBITS, AND SQUIRRELS.

The General Assembly of North Carolina do enact:

Section 1. The trapping season in Carteret County for all animals shall be closed during the time that the season is open for the taking and hunting of deer and quail. Any person violating the provisions of this Act while the trapping season is closed, as provided herein, shall be guilty of a misdemeanor.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 787 **CHAPTER 592**

AN ACT CONCERNING THE EXERCISES OF THE POWER OF EMINENT DOMAIN IN CONNECTION WITH SMALL WATERSHED PROGRAMS IN THE COUNTY OF CABARRUS.

The General Assembly of North Carolina do enact:

Section 1. Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have the power to acquire by condemnation any interest in land needed in carrying out the purposes of this Act. This power may be exercised only after:

(1) The district makes application to the committee, identifying the land sought to be condemned and stating the purpose for which said land is needed; and

(2) The committee finds that the land is sought to be acquired for a proper district purpose. The findings of the committee shall be conclusive in the absence of fraud, notwithstanding any other provision of law.

(b) The committee shall certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings thereof.

(c) For purpose of this Section:

(1) The term "interest in land" means any land, right of way, right of access, privilege, easement, or other interest in or relating to land. Said term includes an interest in land held for public uses or purposes and is not in actual use therefor. Said term also includes an interest in land owned or held as right of way by a public utility company, except that of railroad companies, provided that the operation of such utility company may not be impaired unreasonably thereby.

(2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof; by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(3) "Committee" means the State Soil and Water Conservation Committee.

(d) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G. S. Chapter 40, Article 2.

(e) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district deem best. If, in the opinion of the trustees, such lands should be sold, leased, or rented, the trustees may do so, subject to the approval of the committee.

Sec. 2. Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article 3, Chapter 139 of the General Statutes, or by special Act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by Section 1 of this Act (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district.

Sec. 3. This Act shall apply to Cabarrus County only.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 794 **CHAPTER 593**

AN ACT TO AMEND CHAPTER 509, SESSION LAWS OF 1965, RELATING TO THE TAKING OF GAME FROM PUBLIC HIGHWAYS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 509, Session Laws of 1965, is hereby amended by deleting the words "or both" in line 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 812 **CHAPTER 594**

AN ACT TO AUTHORIZE THE HOLDING OF COURTS AND THE LOCATION OF COUNTY OFFICES IN BUILDINGS IN JOHNSTON COUNTY AS DESIGNATED BY THE COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Sessions, and office and court hours, of the Superior Court division and District Court division of the General Court of Justice are hereby authorized to be held in any building, or buildings, located in the City of Smithfield in Johnston County, as designated by the Board of County Commissioners. The Board of Commissioners of Johnston County is hereby authorized to locate any county office, or offices, in any building, or buildings, located in Johnston County, as designated by the Board.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 820 **CHAPTER 595**

AN ACT TO PROHIBIT THE HUNTING OF DEER ON OR FROM CERTAIN HIGHWAYS IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful to hunt, kill, take, trap or attempt to hunt, kill, take or trap deer on or from the right of way of highways Interstate 40 (I-40) and Interstate 26 (I-26) in Buncombe County.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined, or imprisoned, or both fined and imprisoned, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 866 CHAPTER 596

AN ACT TO AMEND G. S. 118-7 RELATING TO FIREMEN'S RELIEF FUND FOR THE TOWN OF WADESBORO SO AS TO PROVIDE THAT THE TRUSTEES OF SAID FUND MAY SPEND MONEYS ACCUMULATED IN EXCESS OF FIVE THOUSAND DOLLARS ($5,000.00) FOR THE BUILDING OF A MEETING HALL FOR THE VOLUNTEER FIREMEN OF WADESBORO AND FOR OTHER BENEFITS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 118-7 is hereby amended by adding at the end of said Section a proviso reading as follows:

"Provided, that the Board of Trustees of the Wadesboro Firemen's Relief Fund, duly appointed under Section 118-6 of the General Statutes of North Carolina, may disburse any moneys in excess of five thousand dollars ($5,000.00) which accumulates in the Wadesboro Firemen's Relief Fund for the building of a meeting hall for the Wadesboro Volunteer Firemen and for other fringe benefits. Prior to the expenditures of any money which has accumulated in the Firemen's Relief Fund, and is in excess of five thousand dollars ($5,000.00), there must be the approval of a majority vote of the bona fide members of the Wadesboro Volunteer Fire Department and of the Town of Wadesboro's Board of Commissioners."

Sec. 2. This Act shall apply only to the Town of Wadesboro and to the Wadesboro Firemen's Relief Fund.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this 24th day of May, 1967.

H. B. 889 CHAPTER 597

AN ACT TO AMEND CHAPTER 664 OF THE SESSION LAWS OF 1961, THE CHARTER OF THE TOWN OF GARNER.

The General Assembly of North Carolina do enact:

Section 1. Chapter 664 of the Session Laws of 1961 is hereby further amended by inserting between Sections 32 and 33 the following additional Sections:

"Sec. 33. Assessments for Street Improvements.

"(a) In addition to any authority which is now or may hereafter be granted by general law to the town for making street improvements, the Board of Aldermen is authorized to make street improvements, and assess the cost thereof against abutting property owners in accordance with the provisions of this Section.

"(b) The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections,

against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the findings by the Board as a fact:

"(1) That the street improvement project does not exceed 1200 lineal feet, and

"(2) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

"(3) That it is in the public interest to connect two streets or portions of a street already improved, or

"(4) That it is in the public interest to widen a street or part thereof, which is already improved; provided, that assessment for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Section.

"(c) For the purposes of this Section, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"(d) In ordering street improvements without a petition and assessing the cost thereof under authority of this Section, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"(e) The effect of the act of levying assessments under authority of this Section shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

"Sec. 34. Establishment of Proposed Street Lines.

"(a) Whenever, in the opinion of the Board of Aldermen, it is in the best interest of the town to do so, the Board may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this Section.

"(b) Platting of Proposed Street Lines. From and after the time of adoption of a major street plan by the Board of Aldermen and the State Highway Commission pursuant to provisions of G. S. 136-66.2, the Board shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the town and the area within its outside zoning and subdivision control jurisdiction. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The preparation of such plat or plats shall not in and of

itself constitute or be deemed to constitute the opening or establishment of any streets or the taking or acceptance of any land for street purposes.

"(c) Adoption of Official Map; Hearing; Notice. Following the preparation of such plats, the Board of Aldermen may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the town and the territory within its outside zoning and subdivision control jurisdiction. Before taking any such action, the Board shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper having general circulation in the town, and by posting such notice at four public places in the town and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than 15 days prior to the date fixed for said hearing. Following adoption of such a map or maps, the Board shall certify a copy to the Register of Deeds of Wake County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking of acceptance of any land for street purposes.

"(d) Right of Town to Acquire Property Before Improvement. From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the Board of Aldermen shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this Section. To that end, any person proposing to build upon such land or to make repairs or improvements to any existing building on such land shall, in writing, notify the Board of the nature and estimated cost of such building, repairs, or improvements. The Board shall then determine whether it will take the necessary steps to acquire said land prior to construction of said building or the making of said repairs or improvements. If the Board fails, within 60 days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice. The building inspector is authorized to withhold and refrain from issuing, for a period not exceeding 60 days from receipt by the Board of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

"(e) Failure to Give Said Written Notice Bars Recovery for Value of Improvements. If any person, firm or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the Board of Aldermen an opportunity to acquire said property free from improvements, as provided in this Section, the Board shall not be required to pay for the value of said building, repairs, or improvements in any

proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

"(f) Failure of Town to Act; No Limit to Subsequent Condemnation. The failure of the Board of Aldermen to take action under (d) of this Section within 60 days after notice shall not have the effect of limiting the right of the Board at any subsequent time to condemn the land in question. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the Board to take action within the prescribed period.

"Sec. 35. Acceptance of Dedications. In addition to the authority granted by G. S. 160-204 and 160-205 to acquire land for street and other purposes, the town shall have power to accept by resolution the dedication of any land or interest in land for street, utility or other town purposes, both within and without the corporate limits, whether such dedication is made or offered by deed, by recorded plat, or otherwise. Notwithstanding G. S. 136-96 or any other provision of law, the acceptance of a street or street easement by resolution adopted pursuant to this Section shall constitute a completed dedication and acceptance, and such dedication shall not thereafter be withdrawn except with written permission of the Board of Aldermen.

"Sec. 36. Corner Lot Exemptions from Water-Sewer Assessments. When water or sewerage lines, or both, are constructed along both sides of corner lots and when the cost of the lines along both sides are to be assessed under authority of G. S. 160-241, the Board of Aldermen may exempt from such assessment not more than seventy-five percent (75%) of the frontage of any side of such lots, or 150 feet, whichever is greater.

"Sec. 37. Acreage Charges for Water and Sewer Connections. In addition to Section 1 of the Charter of the Town of Garner (Chapter 664 of the Session Laws of 1961) and in addition to water and sewer service charges authorized by G. S. 160-256 and connection charges authorized by law, the Board of Aldermen may establish and collect acreage charges for making connections to the town water and sewerage systems, both within and outside the corporate limits, to aid in the financing of new water mains and sewer outfalls and the replacement or enlargement of existing mains and outfalls. Such charges shall apply uniformly to all properties to which water or sewer service is extended subsequent to the establishment of such charges; provided, the Board may establish higher acreage charges for property to be developed for commercial, institutional, or industrial use than those established for property to be developed for other uses, and may base acreage charges for residential development on the number of dwelling units per acre of land.

"Sec. 38. Contracts for Water or Sewer Extensions. Notwithstanding any provision of this Act or of any other law, the Board of Aldermen may enter contracts with any person, firm, or corporation whereby such person, firm, or corporation agrees to bear the total initial costs of water main or sewer outfall extensions, and whereby the town agrees to reimburse such person, firm, or corporation for that portion of such costs in excess of the acreage charges attributable to property owned by such person, firm, or corporation to or through which such extensions are made; provided, such

reimbursement shall be made only from revenues derived from acreage charges levied against property developed subsequent to the installation of such extensions; provided, further, nothing in this Section shall be construed so as to authorize or require the town to reimburse, or to contract to reimburse, any person, firm, or corporation for any part of the costs of installing water or sewer lines within a subdivision to serve such subdivision.

"Sec. 39. Subdivision Control. Any subdivision control ordinance adopted by the Board of Aldermen pursuant to Part 3A of Article 18 of Chapter 160 of the General Statutes may include, in addition to provisions authorized by the said Part 3A, provisions for the more orderly development of subdivisions within the town's jurisdiction as defined by G. S. 160-226 by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies and standards established by the Board and, to assure compliance with such requirements, the ordinance may require the posting of bond or other such method as shall offer guarantee of compliance; provided however, the town shall not require municipal water and sewer without consent of the owner, where said water and sewer lines are not available to the property; and, provided further, said town shall not require any of said community service facilities outside of said town in the event an investigation discloses that substantial hardship will result to the owner of said property, and provided further, in order to carry out the intention of this Section, the town shall treat each parcel of land separately, and shall have a separate hearing concerning each subdivision at which time all interested parties may be heard and after said hearing the town shall act in the public interest in giving due regard to the needs of orderly development and to the particular needs of the property affected.

"Sec. 40. Cleaning and Repair of Sidewalks. (a) It shall be the duty of every property owner in the town to maintain in good and safe repair and to keep clean and free of debris, trash, ice, snow, and other obstacles the sidewalks abutting his property.

"(b) The Board of Aldermen may by ordinance establish a procedure whereby town forces may repair or may clean any sidewalk or remove therefrom any debris, trash, ice or snow upon failure of the abutting property owner after 10 days notice to do so. In such event, the cost of such repair, cleaning, or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

"Sec. 41. Refuse, Weeds, and Trash. (a) It shall be the duty of every property owner in the town to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"(b) The Board of Aldermen may by ordinance establish a procedure whereby town forces may clean, cut, and remove any weeds, trash, refuse,

or other offensive matter from any property upon failure of the owner or occupant after 10 days notice to do so. In such event, the cost of such cleaning, cutting, and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"Sec. 42. Claims Against the Town. (a) All claims or demands against the Town of Garner arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon shall be barred.

"(b) No action shall be instituted against the town in ejectment or on account of damages to or compensation for real property taken or used by the town for any public purpose of any kind unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend shall have given notice in writing to the Board of Aldermen of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of the incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

"(d) The Board of Aldermen may authorize the Town Manager to settle claims against the town for (1) personal injury or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred. All such releases shall be approved by the Town Attorney."

Sec. 2. Chapter 664 of the Session Laws of 1961 is hereby further amended by renumbering Sections 33 through 35 thereof as Sections 43 through 45, respectively.

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Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 925 CHAPTER 598

AN ACT TO AMEND CHAPTER 482 OF THE SESSION LAWS OF 1963 AUTHORIZING USE OF NONTAX REVENUES FOR RECREATIONAL PURPOSES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 482 of the Session Laws of 1963 is amended to read as follows:

"Section 1. The Board of Commissioners of Mecklenburg County is authorized in its discretion to appropriate in each fiscal year a sum not in excess of five per cent (5%) of the total nontax revenues received in that fiscal year to be appropriated out of the nontax revenues for that year, to the Mecklenburg County Recreation Commission, or its successor, or any body set up in lieu thereof, which body shall perform the functions now delegated to the Mecklenburg County Recreation Commission, to be used and accounted for in accordance with the provisions of Article 12 of Chapter 160 of the General Statutes. This Section shall not be construed as limiting the total amount of funds available for said purposes or preventing the Board of Commissioners of Mecklenburg County from appropriating or otherwise providing other or additional funds for recreational purposes from any other lawful source whatever, including but not limited to, proceeds of bond issues or tax revenues."

Sec. 2. This Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 949 CHAPTER 599

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. Section 111 of Chapter 232 of the Private Laws of 1927, as amended, is hereby amended by rewriting said Section 111 in its entirety to read as follows:

"Sec. 111. The board of aldermen may dispose of and convey, without advertising or public sale, on such terms as it may deem just, any real property or any interest in real property owned by the city in the following cases:

"(1) In order to acquire real property, easements or rights of way for a public purpose, the city may exchange other real property or propety interests it already owns (or it may purchase other real property or property interests, without condemnation, and exchange same) for the real property or property interests required by the city for a public purpose.

"(2) Where the city owns a strip or remnant of real property, or owns an interest in such property, which lies between privately owned property and a public street or other public way or public property, and the board of aldermen determines that it would be impracticable to sell said strip or remnant at public sale, the city may sell said strip or remnant, or an interest therein, to the adjoining private property owner or to a public utility or service company, at private sale.

"Any such exchange or sale shall be based on fair market value, as determined by the board of aldermen, after having the property or properties involved appraised by not less than three qualified, disinterested real estate appraisers. Such appraisal, or appraisals, shall be recited in or attached to the resolution authorizing the sale or exchange of the property. The determination of the board of aldermen as to the value of any such property shall be conclusive."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

H. B. 971

CHAPTER 600

AN ACT TO AMEND CHAPTER 48, SESSION LAWS OF 1963, RELATING TO THE ALLOCATION OF THE PROCEEDS FROM ABC STORES IN THE TOWN OF ROSEBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 48, Session Laws of 1963, is hereby rewritten to read as follows:

"Sec. 6. The net profits derived from the operation of the Alcoholic Beverage Control Store in the Town of Roseboro shall be turned over to the town general fund to be disbursed as follows:

(a) The governing body of the Town of Roseboro, in its discretion, may appropriate ten per cent (10%) of said net proceeds, or two thousand dollars ($2,000.00), whichever is less, to Roseboro-Salemburg High School to be used by said high school to supplement its athletic and band programs, the principal of the school to be notified each year by the town clerk upon adoption of the town's budget ordinance, the amount, if any, appropriated for said school's athletic and band programs.

(b) Any or all of the remainder of said net proceeds which is not appropriated as set forth under (a) above may be appropriated by the governing body of the town for any town governmental purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1967.

S. B. 116 CHAPTER 601

AN ACT TO AMEND G. S. 7A-288 AND G. S. 7A-304(b) WITH RESPECT TO CERTAIN CRIMINAL APPEALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-288 is amended, in line five, before the word "Appeal", by inserting the following sentence: "An appeal may be withdrawn within 20 days after notice of appeal is given, or 10 days before the next criminal session of Superior Court convenes, whichever is later."

Sec. 2. G. S. 7A-304(b) is rewritten to read as follows: "(b) On appeal, costs are cumulative, and costs assessed before a magistrate shall be added to costs assessed in the District Court, and costs assessed in the District Court shall be added to costs assessed in the Superior Court, except that if an appeal from the District Court to the Superior Court is withdrawn within 20 days after notice of appeal is given, or 10 days before the next criminal session of Superior Court convenes, whichever is later, only the District Court costs shall be assessed, and further, the fee for the Law Enforcement Officers' Benefit and Retirement Fund shall be assessed only once in each case."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1967.

H. B. 53 CHAPTER 602

AN ACT TO MAKE FELONIES OF THE CRIMES OF PLACING A BURNING OR FLAMING CROSS ON THE PROPERTY OF ANOTHER, G. S. 14-12.12; PLACING AN EXHIBIT WITH THE INTENTION OF INTIMIDATING, ETC., ANOTHER, G. S. 14-12.13; AND PLACING AN EXHIBIT WHILE WEARING A MASK, HOOD OR OTHER DISGUISE, G. S. 14-12.14; AND TO INCREASE THE PUNISHMENT THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-12.15 is hereby rewritten to read as follows:

"§ 14-12.15. Punishment for Violation of Article. All persons violating any of the provisions of this Article, except for §§ 14-12.12(b), 14-12.13, and 14-12.14, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. All persons violating the provisions of §§ 14-12.12(b), 14-12.13, and 14-12.14 shall be guilty of a felony and shall be punished by confinement in the State prison for not less than one nor more than five years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1967.

H. B. 864 **CHAPTER 603**

AN ACT AUTHORIZING THE QUALIFIED VOTERS OF THE TOWN OF LINCOLNTON TO DETERMINE WHETHER BEER AND WINE MAY BE LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Lincolnton may on its own motion, and shall upon a petition to said board signed by at least fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether "off premises" sales of beer and wine shall be legal in the Town of Lincolnton, and whether liquor control stores may be operated in the Town of Lincolnton and if a majority of the votes cast in such election shall be for the sale of "off premises" beer and wine and for the operation of town liquor control stores, then it shall be legal for liquor control stores to be set up and operated in said town, and for "off premises" beer and wine to be sold, but if a majority of the votes cast in said election shall be against the sale of "off premises" beer and wine and the operation of town liquor control stores, then no such stores shall be set up or operated and no beer or wine shall be sold in said town under the provisions of this Act.

Sec. 2. In calling for such special election, the said board shall give at least 20 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special election as is required by law for them to remain open for a regular election. A new registration of voters for such special election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special election shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines one proposition, "For Town Liquor Control Stores and For Sale of 'Off Premises' Beer and Wine", "Against Town Liquor Control Stores and Against the Sale of 'Off Premises' Beer and Wine". Those favoring the sale of "off premises" beer and wine and the operation of liquor stores in the Town of Lincolnton shall mark in the voting square to the left of the words "For Town Liquor Control Stores and For sale of 'Off Premises' Beer and Wine" printed on the ballot, and those opposed to the proposition shall mark in the voting square to the left of the words "Against Town Liquor Control Stores and Against the Sale of 'Off Premises' Beer and Wine." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules, and regulations applicable to elections in the Town of Lincolnton.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Stores

and Against the Sale of 'Off Premises' Beer and Wine", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store, and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer, and the sale of beer and wine in the Town of Lincolnton shall be illegal. Thereafter, all public, public-local, and private laws applicable to the sale of intoxicating beverages within said Town of Lincolnton in force and effect prior to the authorization to operate town liquor stores shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Stores and For Sale of 'Off Premises' Beer and Wine". No election shall be called and held in the Town of Lincolnton under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Lincolnton to order the special election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial, county, or Town of Lincolnton general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of town liquor control stores is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of Lincolnton shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Lincolnton Board of Alcoholic Control". The chairman of said board shall be designated by the mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors or any vacancy occurring in the board shall be named or filled by the mayor and the governing body of the town.

Sec. 5. The said Town of Lincolnton Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Boards of Alcoholic Control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as County Boards of Alcoholic Control as provided in Section 18-39 of the General Statutes. Provided, that no town liquor store authorized under this Act shall be located or operated within 450 feet of any school or church in the Town of Lincolnton. The said Town of Lincolnton Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of

this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Lincolnton Board of Alcoholic Control.

Sec. 6. The Board of Alcoholic Control shall, out of the gross revenues derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs, operating expenses, and retain a sufficient and proper working capital. The remaining net revenues, as determined by quarterly audit, shall be distributed quarterly by the Board of Alcoholic Control as follows: Fifteen per cent (15%) to the general fund of Lincoln County; eighty-five per cent (85%) to the general fund of the Town of Lincolnton to be expended for any governmental purpose for which the town may expend tax and nontax revenues.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1967.

H. B. 999 CHAPTER 604

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF COATS, HARNETT COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF THE NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Coats may on its own motion, or shall if requested by a petition signed by at least fifteen per cent (15%) of the registered voters of Coats, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Coats; and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town; but if a majority of the votes cast in said election shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provisions of this Act. In the event the governing body of the Town of Coats on its own motion orders a special election herein provided for, said election shall be held on such date as determined by said governing body. Provided, that the special election shall not be held on or within 60 days of any biennial election for county officers.

Sec. 2. In calling for such special liquor election, the said governing body shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for eight days before such special liquor election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election a ballot shall be used

upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Coats shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Coats.

Sec. 3. If, after the first election, upon a petition signed by at least fifteen per cent (15%) of the registered and qualified voters of the town, the governing body shall call an election and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same, and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within said Town of Coats in force and effect prior to the authorization to operate a town liquor store shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Coats under the provisions of this Section within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Coats to order the special liquor election herein authorized in this Section within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county or Town of Coats general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the mayor and governing body of the Town of Coats shall immediately create a town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability and business acumen. Said board shall be known and designated as "The Town of Coats Board of Alcoholic Control". The chairman of said board shall be designated by the governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the same terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the governing body of the town. Members of the town board may serve as members of the Board of Alcoholic Control. The Board of Alcoholic Control shall report monthly to the town board the status and

financial condition of the Alcoholic Control Board and the books of the said Board of Alcoholic Control shall be available for inspection and examination by the members of the town board at any time.

Sec. 5. The said Town of Coats Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on County Board of Alcoholic Control, except as otherwise provided here, and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. The said Town of Coats Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include the Town of Coats Board of Alcoholic Control.

Sec. 6. The net profits, as determined by quarterly audit, shall be distributed and used as follows:

1. Twenty-five per cent (25%) of the net profit shall be paid to the Harnett County Public Library.

2. Ten per cent (10%) of the net profit, which shall be a part of the profits referred to in the following subsection, may be used by the town Alcoholic Control Board, in its discretion, for educational programs as to the effect of the use of alcoholic beverages and for the rehabilitation of alcoholics. Whenever a person becomes an inebriate from the use of alcoholic beverages and has been committed by the Clerk of Court of Harnett County, as provided in G. S. 35-2, and such person is indigent so that expenses of his care and cure shall constitute a valid charge against the county, as provided in G. S. 35-2, the town Alcoholic Control Board shall pay to the county such charges; provided, that the town Alcoholic Control Board shall not be required to pay any such charges except where it has agreed with the Clerk of Superior Court to pay such charges prior to the person's commitment. The town Alcoholic Control Board is authorized to participate in and to make contributions to public and private organizations which have rehabilitation programs for alcoholics, when the organization and its programs have been approved by the board. Nothing herein shall be construed as limiting the Alcoholic Control Board's discretion in establishing its educational and rehabilitation program and expenditures therefor within the ten per cent (10%) of net profits herein allocated.

3. Seventy-five per cent (75%) of the net profits shall be allocated to the general fund of the Town of Coats. The governing body of the town is hereby authorized to appropriate such funds for any proper governmental purpose. Out of the funds allocated to it, the governing body of the town is specifically authorized to expend up to twenty-five per cent (25%) of such funds for recreational programs in the town.

Sec. 7. The provisions of G. S. 18-45 (O) shall not apply to the town Board of Alcoholic Control.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of May, 1967.

S. B. 354 CHAPTER 605

AN ACT TO AUTHORIZE AND EMPOWER THE CITY OF BURLINGTION TO SELL BY PRIVATE SALE CERTAIN LANDS IN SAID CITY GENERALLY KNOWN AND DESIGNATED AS FAIRCHILD AIRPORT.

WHEREAS, the City of Burlington is the owner in fee simple of that certain tract or parcel of land hereinafter described, subject only to certain restrictions and conditions contained in the deed by which said City of Burlington acquires title to said lands; and

WHEREAS, said tract or parcel of land is not now deemed useful for any public or necessary municipal purpose; and

WHEREAS, the governing body of City of Burlington desires to sell a part or all of the land hereinafter described by private sale for valuable considerations; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The City of Burlington is hereby authorized and empowered to give, grant, sell and convey, at private sale, at such price or prices, in the sole discretion of its governing body, and upon such terms and conditions as its governing body may determine, by deed or deeds with general warranty and free and clear of all encumbrances, except as contained in such deed or deeds, any part or parts or all of the following described lands:

Being that certain tract or parcel of land described substantially and briefly as "Subdivision of the property of Fairchild Airport", as shown by survey and plat prepared by John D. Somers, Registered Land Surveyor, dated January 10, 1967.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

S. B. 363 CHAPTER 606

AN ACT TO AMEND CHAPTER 102 OF THE SESSION LAWS OF 1957, AS AMENDED, ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 102 of the Session Laws of 1957, as amended, is further amended as follows:

(a) By striking out Section 3 of said Chapter, and inserting in lieu thereof the following:

"Section 3. Any person who is a full-time paid member of the Albemarle Fire Department, or a volunteer member, as shown by the records of the City of Albemarle on December 31, 1962, or any person who shall become such a full-time paid member or volunteer member shall be eligible for benefits from the supplementary pension fund; provided that no such person shall be eligible for benefits from the supplementary pension fund unless or until such person has 30 years of service in the Albemarle Fire Department, or has been retired as a member of the Albemarle Fire Department under the Social Security Act or any retirement system the City of Albemarle may participate in, or has been retired because of a disability. Any disability retirement shall be on a medical board's recommendation. The board of trustees shall designate a medical board composed of three physicians. If required, other physicians may be employed in special cases. The medical board shall arrange for and make physical examinations and pass upon all medical examinations, all essential statements and certificates by or on behalf of a member in connection with an application for disability retirement and shall report in writing to the board of trustees its conclusions and recommendations upon all matters referred to it. Upon the application of a member for disability retirement he may be retired by the board of trustees not less than 30 days nor more than 90 days next following the date of filing application; provided that the medical board after a medical examination of such member shall certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. Once each year during the first five years following retirement of a member on a disability retirement allowance and once in every three-year period thereafter the board of trustees may, and upon his application shall, require any disabled member who has not yet attained the age of 60 years to undergo a medical examination, such examination to be made at the place of residence of said member or other place mutually agreed upon, by a physician or physicians designated by the board of trustees. Should any disabled member who has not yet attained the age of 60 years refuse to submit to at least one medical examination in any such year by a physician or physicians designated by the board of trustees, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the board of trustees. Should the medical board report and certify to the board of trustees that such disabled member is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his monthly compensation at time of disability, and should the board of trustees concur in such report, then the amount of his pension shall be reduced to an amount which together with his pension and the amount earnable by him, shall equal the amount of his monthly compensation. Should his earning capacity be later changed, the amount of his pension may be further modified. Should he be restored to full employment in the Albemarle Fire Department, or by any other employer, at a salary equal to his compensation at the time of disability, his retire-

ment shall cease. Should it be determined that he is physically able to return to full-time employment in the Albemarle Fire Department or to other full-time employment, and he is offered full-time employment in the Albemarle Fire Department or by another employer before he has attained 60 years of age, and he refuses such employment, he forfeits all rights to retirement pension. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina."

(b) By inserting after the first sentence in Section 4 the following:

"The monthly payment due shall begin in the month following the month during which the full-time paid member or volunteer member of the Albemarle Fire Department becomes eligible to receive benefits, but in no event shall any payment be made to any full-time paid member or volunteer member unless or until such person becomes eligible under Section 3 of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act hereby are repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

S. B. 407 CHAPTER 607

AN ACT TO AMEND ARTICLE 5 OF CHAPTER 108 OF THE GENERAL STATUTES RELATING TO REGULATION OF ORGANIZATIONS AND INDIVIDUALS SOLICITING PUBLIC ALMS SO AS TO REQUIRE ANNUAL FINANCIAL REPORTS TO BE FILED WITH THE STATE TREASURER.

The General Assembly of North Carolina do enact:

Section 1. Article 5 of Chapter 108 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 108-83, to be designated as G. S. 108-83.1, and to read as follows:

"Sec. 108-83.1. Annual Financial Reports. Every licensee under G. S. 108-82, within 120 days after the end of each calendar year, or each fiscal year if such fiscal year is not on a calendar year basis, shall file with both the State Treasurer and the State Board of Public Welfare a detailed financial report showing receipts and expenditures on an itemized basis so as to disclose the various purposes for which such licensee solicited and expended funds. Such report shall include, but not by way of limitation, details as to cost of raising or securing contributions, administration of the program, organization and operation of new member groups or affiliates, amounts expended in research, amounts expended within the State, and amounts sent outside the State. Such records shall be open for public inspection at all times when the State Treasurer's office is open. No new license or renewal license shall be issued pursuant to this Article to any licensee failing to comply with this Section until such licensee shall have complied with the provisions of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

S. B. 448 CHAPTER 608

AN ACT RELATING TO THE TERMS OF OFFICE OF MEMBERS OF THE HALIFAX COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The four members of the Halifax County Board of Education elected in the regular election of 1968 who receive the highest numbers of votes at said election shall serve for terms of four years. The remaining three members who are elected at the 1968 election shall serve for terms of two years. When their terms expire their successors shall be elected for terms of four years.

Sec. 2. At the primary election for county officials in Halifax County in 1968 there shall be submitted to the voters the question of approval or disapproval of the provisions of Section 1 of this Act. Those who favor the provisions of Section 1 of this Act shall vote a ballot on which are written the words "FOR four-year staggered terms for members of the Halifax County Board of Education". Those opposed shall vote a ballot on which are written the words "AGAINST four-year staggered terms for members of the Halifax County Board of Education". If a majority of those voting in said election vote in favor of the provisions of this Act, then Section 1 of this Act shall be in full force and effect commencing with the election of members of the Halifax County Board of Education in 1968. If the proposition is defeated, all members shall serve for terms of two years.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

S. B. 455 CHAPTER 609

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF WAYNESVILLE, HAYWOOD COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Aldermen of the Town of Waynesville may on its own motion, and shall upon a petition to said board signed by fifteen per cent (15%) of the registered and qualified voters of the municipality, order an election to be held on the question of whether or not a town liquor control store may be operated in the Town of Waynesville, and if a majority of the votes cast in such election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said town; but if a majority of the votes cast in said election

shall be against the operation of a town liquor control store, no such store shall be set up or operated in said town under provisions of this Act.

Sec. 2. In calling for such special liquor election, the said board shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Waynesville shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Waynesville.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same and within said three months the town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the town treasurer. Thereafter, all Public, Public-Local and Private Laws applicable to the sale of intoxicating beverages within said Town of Waynesville, in force and effect prior to the authorization to operate a town liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Waynesville under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Waynesville to order the special liquor election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or Town of Waynesville general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a town liquor control store is authorized under the provisions of this Act, the Mayor and Board of Aldermen of the Town of Waynesville shall immediately create a town board of alcoholic control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said board shall be known and designated as "The Town of Waynesville Board of Alcoholic Control". The chairman of said board shall be designated by the

mayor and governing body of the town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said terms shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the board, shall be named or filled by the mayor and the governing body of the town.

Sec. 5. The said Town of Waynesville Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. Provided, G. S. 18-45(15) shall not apply to the town board of alcoholic control. The said Town of Waynesville Board of Alcoholic Control and the operation of any town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall include Town of Waynesville Board of Alcoholic Control.

Sec. 6. After deducting, from the gross revenues, the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the board, the Town of Waynesville Board of Alcoholic Control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

A. Ten per cent (10%) to the Town of Waynesville for law enforcement. Any alcoholic beverage control law enforcement officers appointed by the Town of Waynesville shall have county-wide jurisdiction, and the same powers and authority within the county as other peace officers.

B. Five per cent (5%) to the Town of Waynesville for education as to the effects of the use of alcoholic beverages and for rehabilitation of alcoholics, in the discretion of the town board of aldermen.

C. The remaining net profits shall be distributed as follows:

(1) Sixty-four per cent (64%) to the Town of Waynesville to be used for the following purposes:

Fifteen per cent (15%) for industrial and community development.

Five per cent (5%) for the Haywood County Public Library.

Five per cent (5%) for the Waynesville Recreation Commission.

Seventy-five per cent (75%) to the General Fund of the Town of Waynesville to be used for any public or governmental purpose for which the town may expend tax or nontax revenues.

(2) Thirty-six per cent (36%) to the General Fund of Haywood County to be expended as follows:

Fifty per cent (50%) to the Haywood County Board of Education for the school fund.

Fifty per cent (50%) to be used by the county for any public or governmental purposes for which the county may expend tax or nontax revenues.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 665 CHAPTER 610

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF ROBBINS TO DETERMINE WHETHER OR NOT ALCOHOLIC BEVERAGE CONTROL STORES MAY BE OPERATED IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Robbins shall upon a petition to the governing body signed by at least fifteen per cent (15%) of the number of registered and qualified voters that voted in the election for the governing body in the Town of Robbins in the last election, or upon its own motion, order an election to be held on the question of whether or not the Moore County Alcoholic Beverage Control Board shall operate an Alcoholic Beverage Control Store in said Town. The governing body may call a special election on said question, the same to be held on such date as the governing body may determine. Said election may be called and held on a date to be fixed by the governing body as herein prescribed notwithstanding the nearness of date within which any other type of election may be held, and may be held on the same date as the regular biennial election of said Town for the election of its officers. The costs of said election shall be paid from the general fund of said Town.

Sec. 2. In calling for such special election, the said governing body shall give at least 20 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for eight days before such special election. A new registration of voters for such special election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election, shall be entitled to vote in said election. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Alcoholic Beverage Control Stores", "Against Town Alcoholic Beverage Control Stores". Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Robbins shall mark in the voting square to the left of the words, "For Town Alcoholic Beverage Control Stores", printed on the ballot, and those opposed to Town Alcoholic Beverage Control Stores shall mark in the square to the left of the words "Against Town Alcoholic Beverage Control Stores". Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Robbins.

Sec. 3. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the Moore County Alcoholic Beverage Control Board shall open and operate an Alcoholic Beverage

Control Store, or stores, in the Town of Robbins, as provided for in Chapter 18 of the General Statutes.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 716 CHAPTER 611

AN ACT TO AMEND THE COUNTY ZONING ENABLING ACT INSOFAR AS IT APPLIES TO MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 153-266.10 of the General Statutes of North Carolina is hereby amended by adding the following sentence immediately after the sentence which reads "No such regulations shall affect bona fide farms, but any use of such property for non-farm purposes shall be subject to such regulations.":

"The board of county commissioners, as part of any ordinance adopted pursuant to this Article, may define 'bona fide farm' and 'farm purposes' in such reasonable manner as it may deem wise."

Sec. 2. Section 153-266.17 of the General Statutes is hereby amended by deleting the portion of the first sentence thereof which reads: "If it exercises the powers granted by this Article, the board of commissioners shall provide for the appointment of a board of adjustment consisting of five members, each to be appointed for three years; provided, that" and by substituting the following therefor:

"If it exercises the powers granted by this Article, the board of commissioners shall provide for the appointment of a board of adjustment consisting of such number as, in the discretion of the board of commissioners, will from time to time serve and represent the various portions of the area subject to the exercise of the powers granted by this Article, provided, that the board of adjustment shall consist of not less than five, nor more than thirteen, members and each member shall be appointed for three years and provided, further, that".

Sec. 3. Section 153-266.17 of the General Statutes is further amended by deleting the word "four" in line 57 of the same as it appears in the 1965 Supplement to Volume 3C and by substituting therefor the words "a majority of the".

Sec. 4. This Act shall apply only to Mecklenburg County.

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 6. This Act shall become effective on its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 718 **CHAPTER 612**

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF DALLAS TO DETERMINE WHETHER WINE AND BEER MAY BE LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN THE TOWN OF DALLAS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Dallas is hereby authorized, in its discretion, to call a special election to be held on the question of whether wine and beer may be sold in the Town of Dallas, and whether Alcoholic Beverage Control Stores may be operated in said town. The governing body may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the town.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Dallas.

Sec. 3. In the event said special election is called by the governing body of the Town of Dallas, a ballot shall be used upon which shall be printed on separate lines for each proposition "For the legal sale of beer", "Against the legal sale of beer"; "For the legal sale of wine", and "Against the legal sale of wine". Those favoring the legal sale of beer shall mark in the voting square to the left of the words "For the legal sale of beer" printed on the ballot and those opposed to the legal sale of beer shall mark in the voting square to the left of the words "Against the legal sale of beer" printed on the ballot; and those favoring the legal sale of wine shall mark in the voting square to the left of the words "For the legal sale of wine" printed on the ballot, and those opposed to the legal sale of wine shall mark in the voting square to the left of the words "Against the legal sale of wine" printed on the ballot.

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and/or wine, then the governing body of the Town of Dallas shall issue only "off premises" license to sell beer and/or wine as defined in G. S. 18-64, as provided in Chapter 18 of the General Statutes, notwithstanding any public, special, local or private Act to the contrary whether passed before or after the ratification of this Act. Provided that only unrefrigerated beer or wine shall be sold in the Town of Dallas.

Sec. 5. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of the Town of Dallas at said election the question of whether municipal Alcoholic Beverage Control Stores may be operated in said town, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the Town of Dallas, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control

Stores, no such stores shall be set up or operated in the Town of Dallas under the provisions of this Act. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores." Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town of Dallas shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot and those opposed to Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 6. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same and within said three months the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixures and all other property in the hands and under the control of said Board and convert the same into cash and the same be deposited in the general fund of the Town of Dallas. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Dallas in force and effect prior to the authorization to operate Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores".

Sec. 7. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town of Dallas shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and two other members who shall be well known for their good character, ability and business acumen. Said Board shall be known and designated as the "Town of Dallas Board of Alcoholic Beverage Control". The chairman of said Board shall be designated by the governing body of the Town of Dallas and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the Town of Dallas, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town of Dallas. Any vacancy shall be filled by the governing body of the Town of Dallas for the unexpired term.

Sec. 8. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Board of Alcoholic Control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set forth in G. S. 18-39. The Town of Dallas Board of Alcoholic Beverage

Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article it shall apply to and include the Town of Dallas Board of Alcoholic Beverage Control. The Town of Dallas Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for members of the Town of Dallas Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Dallas.

Sec. 9. The Town of Dallas Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be paid quarterly by the Town of Dallas Board of Alcoholic Beverage Control into the general fund of the Town of Dallas. The governing body of the Town of Dallas is hereby authorized to expend revenue derived from the operation of the Alcoholic Beverage Control Stores for any and all governmental purposes for which it may expend tax and nontax revenue, and shall use five per cent (5%) of the net profits for law enforcement, specifically the enforcement of the Alcoholic Beverage Control Laws in the town.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 818 CHAPTER 613

AN ACT AMENDING THE CHARTER OF THE TOWN OF WALLACE IN DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 596, Session Laws of 1949, is amended by adding a new Section thereto, immediately following Section 25, and preceding Section 26, to be designated as Section 25(a) and to read as follows:

"Sec. 25(a). No action against the Town of Wallace arising in tort shall be maintained unless the person, firm or corporation claiming injury shall plead and prove in court, as a condition precedent to the maintenance of said action, that he, she or it has given written notice to the Town within 90 days from the occurrence of the facts giving rise to the claim, which notice must:

(a) Be in writing;

(b) State the date, place, manner and character of the injury;

(c) The names and addresses of the person or persons injured;

(d) The amount of damages claimed;

(e) Be served by registered or certified mail or by any law enforcement officer of Duplin County or the Town of Wallace on the Mayor or

Town Clerk within 90 days from the occurrence of the facts giving rise to the claim."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 976

CHAPTER 614

AN ACT TO AMEND ARTICLE 5, CHAPTER 18 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE MANUFACTURE OF SWEET WINES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 5 of Chapter 18 of the General Statutes of North Carolina is hereby amended by adding a new Section at the end thereof, to be designated G. S. 18-99.1, and to read as follows:

"G. S. 18-99.1. Manufacturers and Bottlers of Fortified and Sweet Wines. Any person, firm or corporation authorized to do business in North Carolina may, subject to the laws of this State and the rules and regulations of the North Carolina Board of Alcoholic Control, engage in the business of manufacturing, producing and bottling of fortified and sweet wines as defined in G. S. 18-96 and G. S. 18-99, and is hereby authorized and permitted to manufacture, purchase, import and transport brandy and other ingredients and equipment used in the manufacture of fortified and sweet wines; provided, that G. S. 18-49.1 shall be applicable to the transportation of fortified and sweet wines, alcohol, and brandy used in the manufacture thereof.

"The same annual license tax imposed upon manufacturers and bottlers of unfortified wines in G. S. 18-67 and G. S. 18-68 shall be paid by the manufacturer and bottler of fortified and sweet wines.

"Fortified and sweet wines manufactured and bottled under this Section may be sold as now authorized and shall be taxed as provided by statute."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

H. B. 1010 **CHAPTER 615**

AN ACT TO REPEAL CHAPTER 257 OF THE SESSION LAWS OF 1967 (H. B. 641), TO MERGE THE RICHMOND COUNTY SCHOOL ADMINISTRATIVE UNIT, THE HAMLET CITY SCHOOL ADMINISTRATIVE UNIT AND THE ROCKINGHAM CITY SCHOOL ADMINISTRATIVE UNIT INTO ONE SCHOOL ADMINISTRATIVE UNIT UNDER ONE BOARD OF EDUCATION TO ADMINISTER ALL THE PUBLIC SCHOOLS IN RICHMOND COUNTY AND TO ESTABLISH A BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 257 of the Session Laws of 1967 (H. B. 641), be, and the same is hereby, repealed.

Sec. 2. Effective on the day that the Richmond County Board of Education, hereinafter established and provided for, shall take office the Hamlet City School Administrative Unit and the Rockingham City School Administrative Unit shall be consolidated and merged with the Richmond County School Administrative Unit, and all of the public schools of all of the school administrative units heretofore existing shall be administered and operated by the Richmond County Board of Education, hereinafter established. On the same day that the members of the Board of Education of Richmond County shall take office, as above set forth, all of the public school buildings, public school facilities, all property, both real and personal, all books and records, all financial balances, funds, moneys, and everything connected with the public schools of the Hamlet City School Administrative Unit and the Rockingham City School Administrative Unit shall be, and are hereby, on said date, transferred to the Richmond County School Administrative Unit, and all such properties, buildings and facilities, including liabilities, shall be administered and controlled by the Board of Education of Richmond County, and title to same is hereby transferred on said date to the Board of Education of Richmond County, including all claims, demands and liabilities. The transfer herein provided shall not affect any uncompleted contracts with superintendents, principals, teachers and all other clerical personnel and employees.

Sec. 3. Within 90 days from the effective date of this Act the Board of County Commissioners of Richmond County shall call and hold an election for the purpose of electing a Board of Education for Richmond County which shall have complete administration, control and management of all the public schools in Richmond County, including the public schools previously located in the Hamlet City Administrative Unit and the Rockingham City Administrative Unit. The election shall be held on a nonpartisan basis, and if a written ballot is used, the names of all candidates for membership on the Board of Education of Richmond County shall be printed on one ballot, or if voting machines are used, the names of all candidates shall be arranged, if possible, on said voting machines as a nonpartisan group, along with any other information that may be necessary, and no reference shall be made to the party affiliation of any candidate. In addition to the candidates hereinafter named who shall be printed on the ballot or designated on the voting machines, any other eligible

elector of Richmond County may become a candidate for membership on the said Board of Education by filing a notice of candidacy with the Board of County Commissioners of Richmond County, giving his or her name and age, and certifying that said person filing said notice is an eligible elector of Richmond County. The said notice shall be filed with the Board of County Commissioners of Richmond County at least 30 days prior to the date of said election, and said election shall be conducted under the rules and laws as set forth in Article 14 of Chapter 115 of the General Statutes, as amended, and especially as set forth in the rules governing elections as contained in Section 115-122 of the General Statutes. In addition to the persons who may file as candidates under the procedure set forth above, there shall be placed on the ballot or set forth on the voting machines the names of certain individuals who shall be voted upon, as follows: B. B. Covington, Harold Williams, Lawrence Crouch, Jimmy L. Maske, Ben T. Smith, James H. Pittman, Worth G. Walker, Dr. G. S. Haltiwanger, Robert E. Hutchinson, Jack Land, Dr. W. M. Pearce, Dr. G. L. Cloninger, Jr., Gratton L. White, Mrs. Hugh O. Queen and David Adeimy. Any of the individuals above named may withdraw their names from use in said election by filing notice of such withdrawal with the Board of County Commissioners of Richmond County on or before 30 days from the date of the holding of said election. If by reason of the withdrawal of the names of persons who do not desire to be candidates in said election or if by reason of failure to file notice of candidacy as herein provided there shall be an insufficient number of persons as candidates for membership on said Board of Education, then the Board of County Commissioners of Richmond County shall name a sufficient number of persons as candidates to the end that the eligible electors of Richmond County shall have a reasonable choice as to the members who shall constitute said Board of Education. The said candidates shall be voted upon by the electors of Richmond County at large, and the three candidates receiving the highest number of votes shall hold office until the first Monday in December, 1974, and the next three candidates in descending order receiving the highest number of votes shall hold office until the first Monday in December, 1972, and the next three candidates in descending order receiving the highest number of votes shall hold office until the first Monday in December, 1970, thus constituting the Board of Education of Richmond County as consisting of nine members. The members of said Board of Education of Richmond County elected in this first election shall be inducted into office on the first Monday of the week following the said election, or as soon thereafter as practicable. At the primary to be held in the year 1970, for the nomination of county officers of Richmond County, there shall be elected three members of the Board of Education of Richmond County, and the candidates for the three positions shall be placed upon one ticket without reference to party affiliation or if voting machines are used, shall be placed in a group on said voting machines as nearly as possible without any partisan designation, and said candidates shall be voted upon by the electors of Richmond County at large. The filing or giving of notice of candidacy shall be followed as set forth above except that said notice of candidacy shall be filed with the Board of Elections of Richmond County, and the three candidates receiving the highest

number of votes shall be declared to be elected, and thereafter as the terms of office of the members of the Board of Education expire they shall be elected in the same manner and at the appropriate primary, and all members so elected, including those elected in 1970, shall serve for terms of six years and shall be inducted into and take office on the first Monday in December following their election. The said election shall be conducted under the laws and regulations applying to county officers and as set forth in Chapter 163 of the General Statutes, as amended. All members elected to the Board of Education of Richmond County shall hold office until their successors are elected and qualified.

Sec. 4. If by reason of death, disability, resignation or similar cause a vacancy should occur in the membership of the Board of Education, either with the Board named in Section 2 of this Act or thereafter, said vacancy shall be filled by the remaining members of the Board. A person selected to fill a vacancy shall serve the remainder of the unexpired term of the person creating or causing the vacancy. All vacancies shall be filled within 30 days after the vacancy occurs. In the event the vacancy is not filled within 30 days, the vacancy shall be filled by the State Board of Education in accordance with Chapter 115 of the General Statutes of North Carolina.

Sec. 5. The Richmond County Board of Education, as herein established, shall have the power and authority to exercise all of the powers and duties vested in County Boards of Education and as contained in Chapter 115 of the General Statutes, as amended. The said Board of Education in preparing its budget for review and approval of the Board of County Commissioners shall have authority to request as a part of its budget funds with which to pay its members such per diem as may be agreed upon and reimbursement for travel and necessary expenses incurred in performance of official duties. At the proper time the said Board of Education of Richmond County shall have the authority to elect a superintendent and such assistant or associate superintendents and other personnel as shall be required for the official administration and operation of the public schools of said consolidated or merged school unit.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 26th day of May, 1967.

S. B. 205 CHAPTER 616

AN ACT TO AMEND CHAPTER 650, SESSION LAWS OF 1965, RELATING TO ABC STORES IN THE CITY OF REIDSVILLE, SO AS TO GIVE THE ABC OFFICERS COUNTY-WIDE JURISDICTION.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 650, Session Laws of 1965, is hereby amended by adding at the end thereof the following: "Any person appointed as an ABC officer by the City of Reidsville Board of Alcoholic Control shall have county-wide jurisdiction and the same powers and authority as granted ABC officers under G. S. 18-45(15)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

S. B. 219

CHAPTER 617

AN ACT TO AMEND G. S. 153-8 RELATIVE TO MEETINGS OF BOARDS OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-8 is hereby amended by adding at the end thereof the following paragraph:

"In lieu of meeting at the courthouse, boards of county commissioners may, by resolution duly adopted, designate any other public place within the county as the site of its regular meetings. Such resolution shall be published at least once following its adoption in a newspaper having general circulation in the county and qualified to publish legal advertisements, or if no such newspaper is available then in a newspaper having general circulation in the county and also by posting a copy on the courthouse bulletin board. Special meetings called as provided above may be held at the site designated for regular meetings."

Sec. 2. All laws and clauses of laws, except public-local and private Acts, in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

S. B. 350

CHAPTER 618

AN ACT TO AMEND G. S. 160-29 AS IT RELATES TO ELECTIONS IN THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-29, as the same appears in 1964 Replacement Volume 3D of the General Statutes, is hereby amended by inserting between the word "Mountain" and the word "shall" in the sixth line thereof the words "and Tarboro".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 512 **CHAPTER 619**

AN ACT TO AMEND CHAPTER 48 OF THE GENERAL STATUTES TO ADD CERTAIN PROVISIONS RELATING TO THE ADOPTION OF A CHILD BY HIS GRANDPARENTS AND RELATING TO THE ADOPTION OF AN OUT-OF-WEDLOCK CHILD BY HIS PUTATIVE FATHER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-4, as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by deleting the period and the capitalized word "In" in line 4 of subsection (c) thereof, and inserting, in the place of the period, words and punctuation as follows:

"or for the adoption of a child who is by blood the grandchild of one of the petitioners, or unless, in the case of a child born out of wedlock, the petitioners file an affidavit with the court as described in subsection (d). In cases where the petition is for the adoption of a child who is by blood the grandchild of one of the petitioners and in the case of a child born out of wedlock and where the petitioners file an affidavit with the court as described in subsection (d) and in".

Sec. 2. G. S. 48-4 (c) is further amended by adding at the end thereof, the following:

"The provisions of this subsection concerning the adoption of a grandchild shall apply in the case of any petition filed on or after January 1, 1967."

Sec. 3. G. S. 48-4 is further amended by adding a new subsection, immediately following subsection (c), to be designated subsection (d) and to read as follows:

"(d) In the case of a child born out of wedlock, if the putative father of the child or the putative father and his spouse are petitioners seeking to adopt the child, and the petitioners shall state in an affidavit filed with the court that the male petitioner is the father of the child or that he is believed by the petitioners to be the father of the child, and that the child was born out of wedlock, and the petitioners must be in fact residing in North Carolina, or on a federal territory within the boundaries of North Carolina, at the time the petition is filed."

Sec. 4. G. S. 48-21 (c) as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in line 3 thereof, immediately after the word "adoption" and immediately before the word "when" the following:

"when one of the petitioners is the putative father of the child and the petitioners file with the court the affidavit described in G. S. 48-4 (d) or".

Sec. 5. G. S. 48-23 (2), as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by adding at the end thereof the following:

"This Section shall not affect the duties, obligations, and rights of a putative father who has adopted his own child."

Sec. 6. G. S. 48-24 (b), as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in line 1 thereof, immediately after the first comma, the following:

"any affidavit filed in accordance with G. S. 48-4 (d),".

Sec. 7. G. S. 48-24 (b) is further amended by inserting in the third line of subsection (1) thereof, immediately after the comma, the following: "any affidavit filed in accordance with G. S. 48-4 (d),".

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 551 CHAPTER 620

AN ACT TO AMEND G. S. 7-64 SO AS TO CONFER CONCURRENT CRIMINAL JURISDICTION IN THE SUPERIOR COURT AND INFERIOR COURTS OF RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-64 is amended by striking therefrom after the word "Rockingham" and before the word "Scotland" the word and punctuation "Rutherford,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 554 CHAPTER 621

AN ACT TO AMEND CHAPTER 156, ARTICLE 5, SECTION 57 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 156, Article 5, Section 57, as the same appears in 1964 Replacement Volume 3C, is hereby rewritten so as to read as follows:

§ 156-57. Bond Filed and Summons Issued. Upon filing with the petition a bond for the amount of fifty dollars ($50.00) per mile for each mile of the ditch or proposed improvement, signed by two or more sureties or by some lawful and authorized surety company, to be approved by the Clerk of Superior Court, conditioned for the payment of all costs and expenses incurred in the proceeding in case the Court does not grant the prayer of the petition, the Clerk, shall at any time thereafter, issue summons to be served on all the defendant landowners, who have not joined in the petition and whose lands are included in the proposed drainage district. The summons may be served by publication as to any defendant who can not be personally served as provided by law.

The attorney for the petitioners, shall certify to the Clerk of the Superior Court, prior to the hearing on the final report of the board of viewers, that due diligence has been used to determine the names of all landowners within the area of the proposed drainage district; and, that summons has been issued for such landowners, so determined, and served

either by personal service or by publication for all known and unknown landowners, insofar as could be determined by due diligence.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 559 CHAPTER 622

AN ACT TO REGULATE AND FIX THE FEES OF JUSTICES OF THE PEACE IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Justices of the Peace of Surry County shall receive the following fees and none other:

Issuing summons, one dollar ($1.00) where there is only one defendant and the sum of fifty cents (50¢) for each additional defendant.

Trial and Judgment, one dollar and fifty cents ($1.50).

Docketing Judgment, fifty cents (50¢).

Transcript of Judgment for recording, one dollar ($1.00) where there is only one defendant and the sum of ten cents (10¢) for each additional defendant.

Issuing subpoena, twenty-five cents (25¢) for each witness.

Taking affidavit in any proceeding, fifty cents (50¢).

Jury trial and verdict, three dollars ($3.00).

Issuing execution, one dollar ($1.00) where there is only one defendant.

Return notice of appeal, one dollar ($1.00).

Warrant of arrest in criminal action, two dollars ($2.00).

Warrant of commitment, seventy-five cents (75¢).

Issuing claim and delivery, including summons, affidavit, bond, order for seizure of property, trial of issues joined, three dollars and fifty cents ($3.50) where there is only one defendant and the sum of one dollar and fifty cents ($1.50) for each additional defendant.

Issuing attachment papers, including application affidavit, bond, order of levy and seizure, judgment of trial, three dollars and fifty cents ($3.50) where there is only one defendant and the sum of one dollar and fifty cents ($1.50) for each additional defendant.

Recognizance of witnesses, twenty-five cents (25¢) for each name: Provided not more than three witnesses shall be recognized except in cases of felonies.

Affidavit and order of removal, seventy-five cents (75¢).

Capias and order of arrest, one dollar ($1.00).

Probate or acknowledgment of deed or other instrument in writing required or admitted to registration, twenty-five cents (25¢) for each signer.

Taking of any bond, fifty cents (50¢).

Allotting widow's years' allowance, one dollar and fifty cents ($1.50).

Taking of depositions, fifty cents (50¢) for each copy sheet.

Garnishment for taxes, one dollar ($1.00).

Issuing notices, one dollar ($1.00) for each copy.

Filing and docketing lien, one dollar ($1.00) where there is only one defendant and the sum of fifty cents (50¢) for each additional defendant.

Sec. 2. Chapter 432 of the 1951 Session Laws and all other laws and clauses of laws in conflict herewith are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 605

CHAPTER 623

AN ACT PERTAINING TO ARTICLE 3, CHAPTER 139 OF THE GENERAL STATUTES AS THE SAME RELATES TO A WATERSHED IMPROVEMENT PROGRAM IN IREDELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Iredell County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, and for that purpose to levy, collect and expend funds derived from a special watershed improvement tax, not to exceed two cents (2¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 632

CHAPTER 624

AN ACT AMENDING SECTIONS 58-72(17) AND 58-79.1 OF THE GENERAL STATUTES SO AS TO DEFINE THE BUSINESS OF MORTGAGE GUARANTY INSURANCE; TO AUTHORIZE MORTGAGE GUARANTY INSURANCE COMPANIES TO ACQUIRE REAL ESTATE AS AN ADMITTED ASSET; TO CLARIFY THE METHOD OF VALUATION OF ACQUIRED REAL ESTATE, AND TO PROVIDE FOR LIMITATION ON THE AMOUNT OF REAL ESTATE ACQUIRED BY MORTGAGE GUARANTY INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (17) of Section 58-72 of the General Statutes is hereby amended by striking the period (.) at the end of said paragraph and by adding after the word "him" the following language: "including without limiting the foregoing, mortgage guaranty insurance which is insurance against financial loss by reason of the nonpayment of principal,

interest and other sums agreed to be paid under the terms of any note or bond, or other evidence of indebtedness secured by a security interest, mortgage, deed of trust, or other instrument constituting a lien or charge on real estate, or on such personal property as the Commissioner may from time to time approve."

Sec. 2. Subparagraph c. of subparagraph (8) of Section (c) of General Statute 58-79.1 is hereby amended by striking out the period (.) immediately after the word "business" at the end of said paragraph and adding the following: "or in connection with the default in payment of a loan insured under any mortgage guaranty policy of credit insurance."

Sec. 3. Subparagraph (3) of subsection (h) of General Statute 58-79.1 is hereby deleted in its entirety and in lieu thereof said paragraph is rewritten to read as follows: "Real estate acquired by foreclosure or by deed in lieu thereof, or in connection with the default in payment of a loan insured under any mortgage guaranty policy of credit insurance, in the absence of a recent appraisal deemed by the Commissioner to be reliable, shall not be valued at an amount greater than the unpaid principal of the defaulted loan at the date of such foreclosure or deed, together with any taxes and expenses paid or incurred by such insurer at such time in connection with such acquisition (but not including any uncollected interest on such loan); and the cost of additions or improvements thereafter made by such insurer and any amount or amounts thereafter paid by such insurer on any assessments levied for improvements in connection with the property; provided, that the value of any property conveyed to any mortgage guaranty insurance company in satisfaction of debts or guarantees previously contracted in the course of its dealings, or purchased at sales upon judgments, decrees or mortgages obtained or made for such debts or guaranties, or acquired upon tender of the named insured, whether such property be held by it directly or indirectly, together with the value of all such real property then held by it shall not exceed thirty per cent (30%) of its total admitted assets; provided, however, that the Commissioner of Insurance shall have authority from time to time by regulation to fix a lesser percentage of admitted assets than provided by this Statute, and when so fixed, the property so held by such company, directly or indirectly, shall not exceed such percentage of its admitted assets."

Sec. 4. Subparagraph (e) of General Statutes 58-79.1 is hereby amended by inserting immediately after the word "assets" and before the period in line 13 thereof the following language: "Except as more specifically provided in this Section."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 774 **CHAPTER 625**

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Carteret County shall consist of five members who shall be nominated and elected as hereinafter set forth. For the purposes of the nomination of the members of the Board of Education of Carteret County the territorial districts heretofore established and used for the Board of County Commissioners of Carteret County, consisting of four districts, shall be used as the nominating districts for the members of the Board of Education of Carteret County.

Sec. 2. At the primary election to be held in the year 1968, for the nomination of County officers there shall be nominated two candidates from each of the two major political parties in District No. 1 and two candidates in District No. 2. Any eligible elector residing in District No. 1 or District No. 2 may become a candidate for nomination in behalf of his political party by filing notice of candidacy within 30 days of the primary with the Board of Elections of Carteret County, which notice shall state his name, age, place of residence and political party with which he affiliates, and which shall be accompanied by a filing fee of five dollars ($5.00). The primary election shall be conducted according to the laws applicable to primaries in Carteret County and as provided by Chapter 163 of the General Statutes, as amended. The candidates filing from each of the districts shall be voted on by the voters of each particular district for which the candidate files for nomination. The candidate of each political party receiving the highest number of votes in his particular district shall be declared to be nominated. At the general election to be held in Carteret County for the year 1968, the candidates so nominated shall be voted upon by the electors of the County at large. The candidates elected in the general election of 1968, from District No. 1 and District No. 2, shall take office and qualify on January 1, 1969, and shall hold office for terms of four years each or until their successors are elected and qualified.

Sec. 3. In the primary election to be held in the year 1970, for the nomination of candidates for County officers, there shall be nominated three candidates from each major political party in Districts Nos. 1, 3 and 4. The filing of notice of candidacy, filing fees and other procedure as set forth above for Districts No. 1 and No. 2 shall be followed in the primary of 1970. One candidate from each political party shall be nominated from each of these three districts. The candidate shall be voted upon in each particular district from which he files, and the candidate receiving the highest number of votes shall be the nominee of his party. The candidates so nominated shall be elected in the general election for the year 1970, and shall take office on January 1, 1971, and shall serve for terms of four years each or until their successors are elected and qualified. The candidates in the general election shall be voted upon by the electors of Carteret County at large.

Sec. 4. In case of a vacancy on the Board of Education of Carteret County caused by death, resignation, change of residence, failure to qualify, or for any other cause whatsoever, the vacancy shall be filled for the unexpired term by the executive committee of the political party in power in Carteret County, and such appointment shall be for the unexpired term of the member causing the vacancy, and said vacancy shall be filled within 30 days from the date the vacancy occurs.

Sec. 5. The Chairman of the Board of Education of Carteret County shall be elected by the members of said Board of Education at the first regularly scheduled meeting in January of each year, and the Superintendent of Schools of Carteret County shall ex officio be the Secretary of said Board of Education. The said Board of Education shall continue to exercise all the powers and duties as provided by Chapter 115 of the General Statutes, as amended, or as may be provided by any local Act of the General Assembly applicable to Carteret County. As the terms of office of each of the members expire they shall be nominated and elected by the procedure set forth above and according to the appropriate primary and general election applicable to the situation.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 775 CHAPTER 626

AN ACT TO AMEND G. S. 7-92.1 WITH REGARD TO THE COMPENSATION OF THE COURT REPORTER FOR THE ELEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-92.1 is hereby amended by striking out of the third line of the fifth paragraph thereof the words and figures, "twenty-five dollars ($25.00) per day" and inserting in lieu thereof the words and figures, "one hundred fifty dollars ($150.00) per week".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on the date of its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 778 CHAPTER 627

AN ACT TO AMEND CHAPTER 678 OF HOUSE BILL NO. 308 OF THE 1949 SESSION LAWS OF NORTH CAROLINA RELATING TO PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF BEAUFORT TO BE HEREAFTER KNOWN AS THE BEAUFORT COUNTY LAW ENFORCEMENT OFFICERS' ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Short Title. That this Act shall hereafter be known and may be cited as the Beaufort County Law Enforcement Officers' Association.

Sec. 2. Definitions. Law enforcement officers shall be deemed to include all active and retired law enforcement officers with power of arrest of the County of Beaufort, North Carolina, or subdivisions thereof including all cities and towns and members of the State Highway Patrol, who are required by the terms of their employment or elections to give their full time to the preservation of public order, the protection of life and property, and the detection of crime.

Sec. 3. Creation of Association. An association to be known and designated as the Beaufort County Law Enforcement Officers' Association shall be formed, the membership of which shall include all law enforcement officers in Beaufort County and the members of the State Highway Patrol as defined above. Membership shall be governed by the bylaws drawn up and approved by the association.

Sec. 4. Registration. Law enforcement officers who are entitled to membership in the association, in order to share in the benefits provided for in this Act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee to be fixed by the Executive Board. Any officer making application for membership in said Beaufort County Law Enforcement Officers' Association shall not be eligible for membership until they have served as a law enforcement officer in the County of Beaufort for a period of six months. After submitting application, membership in said association will require a majority vote of members present.

Sec. 5. Creation of Executive Board. The Executive Board shall consist of five members of the association, in good standing, provided that not more than one officer from any agency shall serve during the calendar year, to be elected by a majority vote of said association at the last regular meeting in June of each calendar year, such board members to assume their duties on the first day of July and to hold office until their successors are elected and qualify. The said board shall elect a chairman and secretary at its first meeting in each year. A majority of members of said Executive Board shall constitute a quorum for the transaction of business.

Sec. 6. Treasurer. The County Treasurer of Beaufort County shall be ex officio treasurer of said association.

Sec. 7. Ladies Auxiliary. There shall be a Ladies Auxiliary of the Beaufort County Law Enforcement Officers' Association. This Auxiliary shall include wives of active members of said association. The rules and bylaws of the Ladies Auxiliary will require approval of the Executive Board of the Beaufort County Law Enforcement Association.

Sec. 8. Application of Fund. The money so paid into the hands of the Treasurer of the Beaufort County Law Enforcement Officers' Association shall be turned over to the County Treasurer of Beaufort County to be disbursed at the approval of the Executive Board.

Sec. 9. Annual Reports. The treasurer of said association shall make annual reports to the Executive Board prior to the meeting of said association in June of each calendar year showing the total amount of money in his hands at the time of the filing of the report, and also an account of receipts and disbursements since his last report. The chairman of said

Executive Board shall present such reports to the membership of the association at each annual meeting in June. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the Executive Board. All interest and other income received from investment or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the Executive Board, and the treasurer.

Sec. 10. Salaries and Expenses. All officers and members of the Executive Board shall serve without compensation. Necessary office supplies and stationery shall be paid for out of the funds of the association.

Sec. 11. Constitution and Bylaws. The Beaufort County Law Enforcement Officers' Association shall adopt a constitution and bylaws, to be approved by the Executive Board, suitable for carrying out the provisions and purposes of this Act.

Sec. 12. Use of Property. Any real or personal property owned by the association shall not be available to any civic, church, individual, or groups of individuals without the approval of the Executive Board. Following approval of use by any group by the Executive Board it shall be required the presence when so used, of at least one active member of the Beaufort County Law Enforcement Officers' Association. Their property shall not be made available for any political function.

Sec. 13. Funds not Taxable. The current or accumulated funds or real and personal property of the association shall not be subject to State, county or municipal taxation.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 827

CHAPTER 628

AN ACT AMENDING CHAPTER 206 OF THE 1943 SESSION LAWS RELATING TO THE PENSION SYSTEM FOR SCHOOL TEACHERS AND OTHERS IN NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 206 of the 1943 Session Laws is hereby amended by striking the period at the end of said Section and adding the following:

"; Provided, however, if any person eligible to receive the pension provided for in this Act withdraws all or any part of his contributions to the State of North Carolina Retirement System, then such person shall receive, under this Act, only what he would have received had he not withdrawn all or any part of his contributions to the State of North Carolina Retirement System."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 877 CHAPTER 629

AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO, NORTH CAROLINA, AS REVISED, REORGANIZED AND AMENDED BY CHAPTER 447 OF THE SESSION LAWS OF 1961, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. That Article 2 of Chapter 447 of the Session Laws of 1961, as amended, the same being the Charter of the City of Goldsboro, is amended as follows:

(a) By striking from the second line of Section 1 of Article 2 the words "first Saturday in May, 1963", and substituting in lieu thereof the words "first Tuesday after the first Monday in May, 1969".

(b) By striking from the third line of Section 2 of Article 2 the words and punctuation mark "Saturday in April,", and substituting in lieu thereof the word "Tuesday".

(c) By striking from the fourth line of Section 3(a) of Article 2 the word "sworn".

(d) By striking from the second line of Section 4 of Article 2 the word "first", and substituting in lieu thereof the word "second".

(e) By striking from lines three and four of Section 6 of Article 2 the word "Tuesday", and substituting in lieu thereof in each line the words "second day".

(f) By striking from line nine of the third paragraph of Section 7 of Article 2 the word "Wednesday", and substituting in lieu thereof the word "Monday".

Sec. 2. That Article 9 of Chapter 447 of the Session Laws of 1961, as amended, the same being the Charter of the City of Goldsboro, is amended by adding a new Section at the end thereof to read as follows:

"Sec. 3. Provisions in Conflict with County-City Consolidation Agreements. During such time as the City of Goldsboro and Wayne County shall operate a consolidated tax collecting department under any agreement of the two governing bodies as authorized by Chapter 61 (HB 163) of the Session Laws of 1967, any provisions of Section 1 and Section 2 of this Article which might be in conflict with such consolidation agreement shall be suspended and ineffective until the termination of such consolidation agreement, at which time such conflicting provision shall again be in full force and effect."

Sec. 3. That Article 10 of Chapter 447 of the Session Laws of 1961, as amended, the same being the Charter of the City of Goldsboro, is amended by repealing the same as is now written and rewriting the same to read as follows:

"ARTICLE 10. MUNICIPAL FUNCTIONS; APPOINTMENTS AND COMPENSATION.

"Section 1. Departments Enumerated. There shall be and are hereby created or continued the following departments of the City of Goldsboro:

(a) Department of Finance.

(b) Department of Public Works.

(c) Department of Planning.

(d) Department of Utilities.

(e) Fire Department.

(f) Police Department.

(g) And any such other departments as may from time to time be created by ordinance adopted by the Board of Aldermen.

"Sec. 2. Appointments and Compensation. The following department heads shall be appointed by the Board of Aldermen during the month of May after each regular municipal election, including the 1967 election, or as soon as practical thereafter, from a list to be submitted by the City Manager, and they shall receive such compensation as the Board of Aldermen may from time to time determine:

(a) Director of Finance.

(b) Director of Public Works.

(c) Director of Planning.

(d) Director of Public Utilities.

(e) Chief of Fire.

(f) Chief of Police."

Sec. 4. That Article 11 of Chapter 447 of the Session Laws of 1961, as amended, the same being the Charter of the City of Goldsboro, is amended by repealing the same as is now written and rewriting the same to read as follows:

"ARTICLE 11. DEPARTMENT HEAD; POWERS AND DUTIES.

"Section 1. Powers and Duties. The following shall constitute the general powers and duties of the departments heads of the City of Goldsboro which may from time to time, unless otherwise prohibited by law, be added to, eliminated or exchanged by the City Manager with concurrence by the Board of Aldermen:

(a) The Director of Finance shall be responsible for the collection, disbursement and accounting system as prescribed by law and in keeping with policies established by the Board of Aldermen.

(b) The Director of Public Works shall be responsible for all matters relating to the construction, maintenance and operation of the physical properties of the city utilizing the following divisions: Sanitation, cemeteries, garage, street, engineering, inspection and general services. It shall further be his responsibility to administer the operations of the department in keeping with policies established by the Board of Aldermen.

(c) The Director of Planning shall be responsible for the preparation, review and revision of the city's comprehensive planning program as well as the supervision of the department's administration, including the coordinating of all city planning activity and current planning projects in keeping with policies established by the Board of Aldermen.

(d) The Director of Public Utilities shall be responsible for all matters relating to the operation of the water and sewer and other utility systems of the city and in keeping with policies established by the Board of Aldermen.

(e) The Chief of the Fire Department shall be responsible for the efficiency and discipline of the Fire Department. All orders shall pass through him and he shall see that the rules and regulations applicable to the Department are carried out. The Fire Department shall protect the life and property of the people. The Chief, in case of an emergency, may cause the blowing up or pulling down or destroying of any building, and no person shall be held civilly or criminally liable for acting in such cases in obedience to such order. The Chief of the Fire Department and its other officers shall have full police powers during fires and are authorized to make arrests for interference with their operations. In the absence of the Chief, the Assistant Chief shall have the powers and duties of the Chief. The Fire Department and its officers shall have such additional powers and duties as may be conferred upon them by general law and by ordinance or other direction of the Board of Aldermen consistent with such general law or this Charter.

(f) (1) The Chief of Police, acting under the City Manager, shall have supervision and control of the police force and shall enforce discipline therein.

(2) The Chief of Police and each member of the police force shall have, for the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process, the powers of peace officers vested in sheriffs and constables. They shall have such other powers, duties and responsibilities as may be placed upon their office by the general laws of North Carolina, this Charter and as prescribed by the Board of Aldermen. Such powers may be exercised within the corporate limits of the city and one mile beyond, upon city real property wherever located and within the limits of the watershed of the city water supply.

(3) If in the exercise of any powers or in the performance of any duties herein or otherwise by law vested in or assigned to them, any police officer shall pursue and continually follow within Wayne County any person who has violated or believed to have violated any law, then in such circumstances, such officer shall have all of the powers and authority and be governed by the laws of North Carolina applicable to sheriffs and constables in their respective districts."

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 886 **CHAPTER 630**

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Education for Onslow County shall consist of seven members, to be elected by the voters of the county as herein provided, who shall serve for a term of four years. The term of office of each member shall begin on the first Monday in December, next succeeding his election, and shall continue until a successor has been elected and qualified.

Sec. 2. In the primary election to be held in Onslow County in 1968, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated four candidates for nomination as members of the Board of Education of Onslow County. The nominees residing in the Jacksonville Township and Richlands Township who shall receive the highest number of votes in the respective primaries shall be declared nominated. The two nominees in the respective party primaries receiving the next highest number of votes, regardless of which township in which he resides, shall be declared nominated. The names of the persons so nominated by each political party shall be placed on the official county ballots of Onslow County, and shall be voted upon by the qualified voters of the county at large in the general election of 1968.

Sec. 3. In the primary election to be held in 1970, there shall be nominated by each political party in the party primaries at the same time and in the same general manner as that in which other county officers are nominated three candidates for nomination as members of the Board of Education of Onslow County. The nominees residing in White Oak Township, Swansboro Township, and Stump Sound Township who shall receive the highest number of votes in the respective primaries shall be declared nominated. The names of the persons so nominated by each political party shall be placed on the official county ballots of Onslow County, and shall be voted upon by the qualified voters of the county at large in the general election of 1970; and quadrennially thereafter, from the same districts or at large, members of the Board of Education who are candidates to succeed the members whose terms shall expire shall be elected for a term of four years.

Sec. 4. Vacancies in the membership of the Board of Education, for any cause, shall be filled immediately by the County Executive Committee of the political party of the member causing such vacancy. The person appointed shall serve for the unexpired term and shall be a resident of the district in which such vacancy occurs.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 900 CHAPTER 631

AN ACT AMENDING G. S. 106-568.8 AND G. S. 106-568.10, RELATING TO THE PROMOTION OF AGRICULTURAL RESEARCH AND DISSEMINATION OF FINDINGS, SO AS TO REQUIRE REFERENDUMS TO BE HELD EVERY SIX YEARS RATHER THAN EVERY THREE YEARS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-568.8 is amended by striking from line 4 thereof the word and figure "three (3)" and substituting in lieu thereof the word and figure "six (6)".

Sec. 2. G. S. 106-568.10 is amended by striking the word "three" appearing in lines 6, 9 and 11 thereof, and substituting in lieu thereof in lines 6, 9 and 11 the word "six" and by striking from line 10 thereof the word "third" and substituting in lieu thereof the word "sixth".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 950 CHAPTER 632

AN ACT TO AMEND G. S. 130-128 RELATING TO RULES AND REGULATIONS OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-128 to be amended by adding two new subsections following subsection (17)e. and to read as follows:

"f. Upon failure to comply with any rule and regulation of a sanitary district board within 30 days as directed in the notice provided for above, or within the time extended by the sanitary district board, such person, firm or corporation shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

"g. The sanitary district board is authorized to enforce the rules and regulations enacted or promulgated hereunder by criminal action or civil action, including injunctive relief."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 979 CHAPTER 633

AN ACT RELATING TO THE FEES CHARGED BY THE REGISTER OF DEEDS OF DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other fees required or permitted by law the Register of Deeds of Dare County shall collect the sum of two dollars

($2.00) for each deed recorded in said office. Said sums shall be used by the county to help defray the expenses incident to the transfer of property on the tax map records of said county.

Sec. 2. This Act shall apply to Dare County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

H. B. 1014 CHAPTER 634

AN ACT AMENDING G. S. 58-262.2, RELATING TO THE TERM OF OFFICE OF THE MEMBERS OF THE NORTH CAROLINA HEALTH INSURANCE ADVISORY BOARD SO AS TO PROVIDE STAGGERED TERMS OF OFFICE FOR SUCH MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (2) of G. S. 58-262.2 is hereby rewritten to read as follows:

"(2) The term of office of the members of said board shall be as follows: Three public members and two industry members shall be appointed for original two-year terms commencing September 15, 1967. Two public members and two industry members shall be appointed for original four-year terms commencing September 15, 1967; thereafter, all appointments shall be for terms of four years: Provided, however, each member may continue in office into the new term until his successor is appointed. No member shall, by appointment or by continuance in office serve more than two consecutive four-year terms."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification and shall apply to terms of office commencing September 15, 1967, and thereafter.

In the General Assembly read three times and ratified, this the 30th day of May, 1967.

S. B. 328 CHAPTER 635

AN ACT TO INCREASE THE COMPENSATION OF THE COURT REPORTER FOR THE FOURTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-92.2, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by making the following changes in the fifth paragraph thereof:

(1) By striking out of the second and third lines thereof the words and figures "one hundred twenty-five dollars ($125.00)", and inserting in lieu thereof the words and figures "one hundred fifty dollars ($150.00)".

(2) By striking out of the fifth line thereof the words and figures, "ten dollars ($10.00)", and inserting in lieu thereof the words and figures "twelve dollars ($12.00)".

(3) By striking out of the eighth line thereof the words and figures "ten cents (10¢)" and inserting in lieu thereof the words and figures "eight cents (8¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on the date of its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

S. B. 435

CHAPTER 636

AN ACT TO PROVIDE AN ELECTION OR REFERENDUM FOR CERTAIN AREAS IN ROBESON COUNTY ON THE QUESTION OF WHETHER OR NOT THEY SHALL BE ANNEXED TO THE LUMBERTON CITY ADMINISTRATIVE UNIT AND BE SUBJECT TO THE SCHOOL TAXES LEVIED IN THE LUMBERTON CITY ADMINISTRATIVE UNIT IF SO ANNEXED.

The General Assembly of North Carolina do enact:

Section 1. The two areas or territories whose residents shall be the subject of the elections or referendums hereinafter provided as to whether or not the said areas shall be annexed to the territory of the Lumberton City Administrative Unit are hereby designated as "A" Addition and "B" Addition and are hereby described as follows:

"A" Addition:

"Beginning at a point in the North line of the limits of the City of Lumberton, North Carolina, said point being 60 feet in a westerly direction from the center line of the V. & C. S. Railroad, and runs thence in a northerly direction, and 60 feet at right angles West of the center line of said railroad, to a point which is 300 feet at right angles South of the South right of way line of the Bee Gee Road, thence in an easterly direction, and 300 feet at right angles South of the South right of way line of said Bee Gee Road, to a point which is 300 feet at right angles West of the West right of way line of North Carolina Secondary Road No. 1945 (the Meadow Road); thence in a southerly direction and 300 feet at right angles West of the West right of way line of said North Carolina Secondary Road No. 1945, to a point in the center of Five Mile Branch; thence in an easterly direction with the run of Five Mile Branch to the center of a canal constructed by the North Carolina Highway Commission; thence in a northerly direction with the center of said canal to a point in said canal which is 300 feet South of the southeast right of way of North Carolina Secondary Road No. 1947; thence in a northerly direction, and paralleling the course of North Carolina Secondary Road No. 1945, to a point where said line intersects the North line of the Margaret French McLean land, if extended; thence in a westerly direction with the North line of the Margaret French McLean line, if extended, to said Margaret French McLean line; thence in a westerly direction with the North line of the Margaret French McLean lands to a point where said line inter-

sects the West right of way line of U. S. Highway I-95; thence with the West right of way line of U. S. Highway I-95, to a point where the said right of way line intersects the North line of the city limits of the City of Lumberton."

"B" Addition:

"FIRST TRACT

"Beginning at a point in the center of Gum Branch Canal, in the corporate limits of Lumberton, the northernmost corner of the Knox Kinlaw Farm, said beginning point being the beginning point of a city limits extension to include the South Lumberton High School and running thence with the center of Gum Branch Canal South 80 degrees 47 minutes East, 341.7 feet to a point; thence continuing with the center line of the canal South 82 degrees 46 minutes East, 438 feet to a point in the center of the canal at the southern extension of Lots 'F' and 'G' of Sandy Grove Subdivision, Ext. No. 2, Plat Book 16, page 56; thence about South 20 degrees West, 1940 feet, more or less, to a point at the southeast corner of Lot 68, 'E. M. Johnson Subdivision'; thence about 57 degrees 15 minutes West, 1,000 feet, more or less, to the southernmost corner of Lot 63, 'Washington Park Annex'; thence with the southern line of Lot 42, of 'Washington Park Annex', North 88 degrees 30 minutes West, about 230 feet to a point in the center of Allen Street (S. R. 2206); thence with the center of Allen Street, North 05 degrees and 00 minutes West, about 950 feet to the intersection with a line parallel to and 450 feet southeast of North Carolina Highway 41; thence with the line parallel to and 450 feet southeast of North Carolina Highway 41, about South 51 degrees 45 minutes West, 3050 feet, more or less, to a point at the intersection of said parallel line with the southerly extension of the western line of the residence lot of Angus Thompson; thence with the extension of the western line of the Angus Thompson lot and with the western line of said Angus Thompson residence lot, North 39 degrees, 50 minutes West, 455.74 feet, more or less, to the center of North Carolina Highway 41; thence with the center of North Carolina Highway 41, North 50 degrees 10 minutes East, about 110 feet to the intersection with the center of S. R. 2501; thence with the center of S. R. 2501 in a northwesterly direction, 730 feet, more or less, to the intersection with the center of the Old Stage Road (S. R. 2415); thence with the center of the Old Stage Road (S. R. 2415), North 21 degrees 00 minutes East, 400 feet, more or less, to a point; thence continuing with the center of the Old Stage Road, North 44 degrees 15 minutes East, 262 feet, more or less, to a point; thence continuing with the center of the Old Stage Road, North 63 degrees 45 minutes East, 452 feet, more or less, to the intersection with the western line of the city limit; thence with the western line of the city limits South 23 degrees 15 minutes East, about 22 feet to the southwest corner (Point 7) of the South Lumberton High School City Limit Extension, said point being the northwest corner of Lot 114, 'Hargrove Heights, Exhibit C'; thence with the southern line of the above mentioned city limits extension (reversed) North 63 degrees 06 minutes East, 594.4 feet to Point 6 of said extension; thence continuing with the southern line of the city limits, North 66 degrees 28 minutes East, 623.0 feet to Point 5; thence continuing with the southern line of the city limits,

North 71 degrees 10 minutes East, 567.2 feet to Point 4; thence continuing with the southern line of the city limits, North 68 degrees 45 minutes East, 510.5 feet to Point 3; thence with the southern line of city limits, North 62 degrees 24 minutes East, 126.5 feet to Point 2; thence continuing with the southern line of the city limits, crossing Highway 41, North 57 degrees 19 minutes East, 1189.1 feet to the beginning."

"SECOND TRACT

"Beginning at a point in Gum Branch Canal in the corporate limit line of the City of Lumberton, North Carolina, said point being Point Number 16 in the extension of the corporate limits of Lumberton, North Carolina, to include new high school site in South Lumberton, North Carolina, and run thence with the center line of Gum Branch Canal North 82 degrees 15 minutes West, about 185 feet to a point; thence North 81 degrees 25 minutes West, 432.2 feet to a point; thence North 81 degrees 45 minutes West, about 130 feet to a point at the intersection with the northern line of Sam Floyd Subdivision, between Lots 69 and 97; thence South 57 degrees 15 minutes West, 220 feet more or less, to the westernmost corner of Lot 33, Sam C. Floyd Subdivision; thence with the western line of Lots 6 through 33 of Sam C. Floyd Subdivision, South 41 degrees 00 minutes East, 740 feet, more or less, to a point in the western line of Lot 1 of said subdivision, said point being the twelfth point in the above mentioned city limits extension; thence with the northern line of said city limits extension, North 58 degrees 58 minutes East, 156.5 feet to a point; thence continuing with said extension, North 57 degrees 37 minutes East 429.2 feet to an iron pipe in the West edge of a ditch, the fourteenth point of the above mentioned city limits extension; thence with the western edge of the ditch, North 42 degrees 05 minutes West, 110.0 feet to a stake, the fifteenth point; thence continuing with the western edge of ditch and the above mentioned city limits extension, North 10 degrees 40 minutes East, 102.3 feet to the beginning."

Sec. 2. Upon presentation to the Robeson County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area designated in this Act as "A" Addition, and, likewise, upon presentation of a petition to the Robeson County Board of Education signed by twenty-five per cent (25%) of the qualified voters who reside in the area designated in this Act as "B" Addition, it shall be the duty of the Robeson County Board of Education to consider said petitions and to decide whether or not the said Robeson County Board of Education shall petition the Board of County Commissioners of Robeson County for an election on the question of whether or not the area designated as "A" Addition and the area designated as "B" Addition shall be annexed to the Lumberton City Administrative Unit and become a part of same and its public school system. If the Robeson County Board of Education decides to petition the Board of County Commissioners of Robeson County for an election or referendum to be held in each of the above designated areas, then the Board of County Commissioners of Robeson County shall conduct and hold an election or referendum in each of the above designated areas, and in both of said areas, for the purpose of determining if said areas, either one or both, shall be annexed to the Lumberton City Administrative Unit. The said election shall be held according to the rules

and regulations set forth in Article 14 of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. There shall be separate elections or referendums in each of the above described areas to the end that it may be determined whether both areas desire annexation, whether only one of said areas desires annexation, or whether both of said areas do not desire annexation. The ballot to be used in each area above described shall have written or printed thereon the words: "FOR annexation of 'A' Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed in June, 1963." Likewise, there shall also be printed on the same ballot the following: "AGAINST annexation of 'A' Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed in June, 1963." The same question in the same form and manner shall likewise be printed on the ballot for the election or referendum to be held in "B" Addition.

The Board of County Commissioners of Robeson County shall have the power and authority to call upon the Robeson County Board of Elections to hold or conduct such elections or referendums if the said Board of County Commissioners desires to do so, and the expense of such elections or referendums shall be paid by the Board of County Commissioners of Robeson County. If a majority of the qualified voters voting in each of the areas above described shall vote in favor of the annexation and tax equalization in any one or both of said areas, then any one or both of said areas, as the case may be, shall be annexed to the Lumberton City Administrative Unit, and the residents of said areas, or said area, as the case may be, so annexed, shall become a part of the Lumberton City Administrative Unit as to its public schools and shall pay the school taxes assessed and heretofore existing in the Lumberton City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit. If a majority of qualified voters voting in said election in either one or both of said areas shall vote against annexation and equalization of taxes, then the status of either one of said areas or both of said areas so voting in the negative shall be the same as the status prior to the election.

Sec. 3. If the Board of Education of Robeson County shall refuse to petition the Board of County Commissioners of Robeson County for an election or referendum as set forth above, then in such case the Board of County Commissioners of Robeson County shall call an election or referendum for the purpose of presenting to each of the areas above described the question of annexation and the assumption of a school tax at the same rate as that of the Lumberton City Administrative Unit by the residents in each of said areas above described. Separate elections shall be held in each area and the question presented shall be the same as that set forth in Section 2 of this Act, and the results of said election or

referendum in each of said areas shall be determined as set forth in Section 2 of this Act. The said election or referendum may be held by the County Board of Elections of Robeson County if the Commissioners request said Board to so do, and the Board of County Commissioners of Robeson County shall pay the expense of said elections or referendums. The said elections or referendums shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes, and particularly the rules governing elections set forth in G. S. 115-122. In case either or both of said areas vote for annexation to the Lumberton City Administrative Unit the taxes referred to in this Act which are to be equalized are the supplemental taxes levied by the Lumberton City Administrative Unit as adopted in 1956, and the tax passed by the voters of the City of Lumberton for the retirement of the capital improvement program, the same having been passed on the sixteenth day of April, 1963, and such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit.

Sec. 4. If the results of said elections or referendums shall be in favor of annexation in the case of either one or both of the areas above described, then the school taxes referred to in this Act as to the residents of the area or areas so annexed shall be levied and collected in the same manner as the taxes for the public schools of the Lumberton City Administrative Unit as administered by the Lumberton City Board of Education.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

S. B. 457 CHAPTER 637

AN ACT TO AMEND SECTION 130-128 OF CHAPTER 130 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE SANITARY DISTRICTS TO ACCEPT ADVANCES ON LOANS FROM THE FEDERAL GOVERNMENT AND TO AMEND SECTION 130-138 OF SAID CHAPTER 130 TO PROVIDE FOR SUCH ADVANCES.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (3) of Section 130-128 of Article 12 of Chapter 130 of the General Statutes of North Carolina is hereby amended to read as follows:

"(3) To issue bonds and bond anticipation notes of the district in the manner hereinafter provided, and, at any time after a bond resolution has taken effect, as provided in Section 130-134, to accept advances on any loan for which the federal government or any agency or instrumentality thereof shall have entered into a loan agreement with such district."

Sec. 2. Section 130-138 of Article 12 of Chapter 130 of the General Statutes of North Carolina, as amended, is hereby amended by adding the following paragraph at the end of said Section:

"At any time after a bond resolution has taken effect, as provided in Section 130-134, and where a sanitary district has entered into a loan agreement with the federal government or an agency or instrumentality thereof for a loan to be evidenced by the bonds authorized by said resolution, a sanitary district may secure advances of money on such loan from the federal government or such agency or instrumentality to be repayable out of the proceeds of the sale of the bonds. Each such advance shall be authorized by resolution of the sanitary district board requesting the advance and specifying the manner of execution of the request and such other provisions thereof as the board deems expedient. Said board shall cause a certified copy of such resolution to be filed with the Local Government Commission with a statement showing the exact amount of the advance, its date and interest rate, if any. The State Treasurer is hereby authorized to apply proceeds of sale of the bonds to payment of such advances."

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

S. B. 487 CHAPTER 638

AN ACT TO PROVIDE AN ELECTION OR REFERENDUM FOR A CERTAIN AREA IN ROBESON COUNTY ON THE QUESTION OF WHETHER OR NOT IT SHALL BE ANNEXED TO THE LUMBERTON CITY ADMINISTRATIVE UNIT AND BE SUBJECT TO THE SCHOOL TAXES LEVIED IN THE LUMBERTON CITY ADMINISTRATIVE UNIT IF SO ANNEXED.

The General Assembly of North Carolina do enact:

Section 1. The area or territory whose residents shall be the subject of the election or referendum hereinafter provided as to whether or not the said area shall be annexed to the territory of the Lumberton City Administrative Unit is hereby designated as "C" Addition and is hereby described as follows:

"Beginning at an iron stake in the western right of way line of U. S. Interstate Highway No. 95; said iron stake being the southeast corner of a proposed subdivision of Lakewood Estates, owned by Louten R. Britt, Hector MacLean, and M. C. Gibson. Thence North 88 degrees 47 minutes West 1331.8 feet along the southern property line of said subdivision to an iron stake; thence North 20 degrees 13 minutes West 385.6 feet to an iron stake in the southern right of way line of a 60-foot proposed street; thence South 85 degrees 16 minutes West 1180 feet more or less to a point in the western right of way line of U. S. Highway No. 301; thence North 28 degrees 25 minutes West 290 feet more or less to the southeast corner of Lakewood Park Subdivision; thence South 71 degrees West 1403 feet more or less to the southwest corner of Lakewood Park Subdivision (Section I); thence continuing South 71 degrees West to the point of intersection of the run of Saddletree Swamp; thence with the run of Saddletree Swamp

in a northerly direction to a point of intersection with the northern right of way line of the northernmost street in Lakewood Park, Section I, Extended; thence North 74 degrees 33 minutes East to a point in the eastern right of way line of U. S. Highway No. 301. Thence in a northernly direction with the eastern right of way line of U. S. Highway No. 301 to the northwest corner of the proposed subdivision of Lakewood Estates; thence South 76 degrees 35 minutes 4392.2 feet to a point in the western right of way of U. S. Interstate Highway No. 95; thence the following courses and distances along the western right of way of U. S. Interstate Highway No. 95 to the point of beginning; South 17 degrees 54 minutes West 1000.7 feet; South 17 degrees 58 minutes West 1161.6 feet; South 17 degrees 56 minutes West 1337.3 feet."

Sec. 2. Upon presentation to the Robeson County Board of Education of a petition signed by twenty-five per cent (25%) of the qualified voters who reside in the area designated in this Act as "C" Addition, it shall be the duty of the Robeson County Board of Education to consider said petition and to decide whether or not the said Robeson County Board of Education shall petition the Board of County Commissioners of Robeson County for an election on the question of whether or not the area designated as "C" Addition shall be annexed to the Lumberton City Administrative Unit and become a part of same and its public school system. If the Robeson County Board of Education decides to petition the Board of County Commissioners of Robeson County for an election or referendum to be held in the above designated area, then the Board of County Commissioners of Robeson County shall conduct and hold an election or referendum in the above designated area for the purpose of determining if said area shall be annexed to the Lumberton City Administrative Unit. The said election shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes and particularly according to the rules governing elections set forth in G. S. 115-122. There shall be a separate election or referendum in the above described area to the end that it may be determined whether or not the area desires annexation. The ballot to be used in said election in the above described area shall have written or printed thereon the words: "FOR annexation of 'C' Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed in June, 1963." Likewise, there shall be also printed on the same ballot the following: "AGAINST annexation of 'C' Addition to the Lumberton City Administrative Unit and for school tax at the same rate as to the supplemental taxes levied by the Lumberton City Administrative Unit and as to the tax for the retirement of the capital improvement program of the Lumberton City Administrative Unit passed in June, 1963."

The Board of County Commissioners of Robeson County shall have the power and authority to call upon the Robeson County Board of Elections to hold or conduct such election or referendum if the said Board of County Commissioners desires to do so, and the expense of such election or referendum shall be paid by the Board of County Commissioners of Robeson County. If a majority of the qualified voters voting in the area above de-

scribed shall vote in favor of the annexation and tax equalization in said area, then the said area shall be annexed to the Lumberton City Administrative Unit, and the residents of said area so annexed shall become a part of the Lumberton City Administrative Unit as to its public schools and shall pay the school taxes assessed and heretofore existing in the Lumberton City Administrative Unit, together with such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit. If a majority of qualified voters voting in said election in said area shall vote against annexation and equalization of taxes, then the status of said area so voting in the negative shall be the same as the status prior to the election.

Sec. 3. If the Board of Education of Robeson County shall refuse to petition the Board of County Commissioners of Robeson County for an election or referendum as set forth above, then in such case the Board of County Commissioners of Robeson County shall call an election or referendum for the purpose of presenting to the area above described the question of annexation and the assumption of a school tax at the same rate as that of the Lumberton City Administrative Unit by the residents in said area above described. The said election or referendum may be held by the County Board of Elections of Robeson County if the Commissioners request said Board to so do, and the Board of County Commissioners of Robeson County shall pay the expense of said election or referendum. The said election or referendum shall be held according to the rules and regulations set forth in Article 14 of Chapter 115 of the General Statutes, and particularly the rules governing elections set forth in G. S. 115-122. In case the said area votes for annexation to the Lumberton City Administrative Unit, the taxes referred to in this Act which are to be equalized are the supplemental taxes levied by the Lumberton City Administrative Unit as adopted in 1956, and the tax passed by the voters of the City of Lumberton for the retirement of the capital improvement program, the same having been passed on the 16th day of April, 1963, and such other taxes as may from time to time be lawfully imposed for the use and benefit of the Lumberton City Administrative Unit.

Sec. 4. If the results of said election or referendum shall be in favor of annexation in the case of the area above described, then the school taxes referred to in this Act as to the residents of the area so annexed shall be levied and collected in the same manner as the taxes for the public schools of the Lumberton City Administrative Unit as administered by the Lumberton City Board of Education.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 349 **CHAPTER 639**

AN ACT TO PROVIDE FOR PRESENTING INSTRUMENTS TO THE REGISTER OF DEEDS FOR REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-14 is hereby amended to read as follows:

"§ 47-14. Register of Deeds to Pass on Certificate and Register Instruments; Order by Judge. (a) When an instrument is offered for registration, the register of deeds shall examine the certificate or certificates of proof or acknowledgment appearing upon the instrument, and if it appears on the face of the instrument that the execution thereof by one or more of the signers has been duly proved or acknowledged and the certificate or certificates to that effect are in due form, he shall so certify, and shall register the instrument, together with the certificates.

"(b) If a register of deeds denies registration pursuant to subsection (a), the person offering the instrument for registration may present the instrument to a Judge, as provided in subsection (c), and he shall examine the certificate or certificates of proof or acknowledgment appearing upon the instrument, and if it appears on the face of the instrument that the execution thereof by one or more of the signers has been duly proved or acknowledged and the certificates to that effect are in due form, he shall so adjudge, and shall order the instrument to be registered, together with the certificates, and the register of deeds shall register them accordingly.

"(c) When a District Court has been established in the district including the county in which the instrument is to be registered, application for an order for registration pursuant to subsection (b) shall be made to any Judge of the District Court in the district including the county in which the instrument is to be registered. Until a District Court has been established, application for an order for registration pursuant to subsection (b) may be made to a Resident Judge of Superior Court residing in the district including the county in which the instrument is to be registered, a Judge regularly holding the Superior Courts of the district including the county in which the instrument is to be registered, any Judge holding a session of Superior Court, either civil or criminal, in the district including the county in which the instrument is to be registered, or a Special Judge of Superior Court residing in the district including the county in which the instrument is to be registered.

"(d) Registration of an instrument pursuant to this Section is not effective with regard to parties who have not executed the instrument or whose execution thereof has not been duly proved or acknowledged."

Sec. 2. G. S. 47-17.1, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is amended as follows:

(1) The words, "The clerks of the superior courts of the counties named below shall not accept for probate or recordation any papers or documents," are stricken out of the first sentence thereof and the following words are inserted in lieu thereof: "The registers of deeds of the counties named below shall not accept for registration, nor shall any Judge order registration pursuant to G. S. 47-14, of any papers or documents,".

(2) The words "probate or recordation" which appear immediately after the word "for" and before the word "in" in line 9 of G. S. 47-17.1 are hereby stricken out, and the word "registration" is inserted in lieu thereof.

(3) The phrase "may be accepted for probate or recordation" is stricken out of lines 10 and 11 of G. S. 47-17.1, and the following is inserted in lieu thereof: "may be registered or ordered to be registered".

(4) The catchline of G. S. 47-17.1 is hereby rewritten to read, "Documents Registered or Ordered to be Registered in Certain Counties to Designate Draftsman; Exceptions."

Sec. 3. G. S. 47-37 is hereby rewritten to read as follows:

"§ 47-37. Certificate and Adjudication of Registration. (a) The form of certification for registration by the register of deeds pursuant to § 47-14(a) shall be substantially as follows:

North Carolina, ... County.

The foregoing (or annexed) certificate of (here give name and official title of the officer signing the certificate passed upon) is certified to be correct.

This ..... day of ....., A. D. .....

Signature

.....

Register of Deeds"

"(b) The form of adjudication and order of registration by a Judge pursuant to § 47-14(b) and (c) shall be substantially as follows:

North Carolina, ... County.

The foregoing (or annexed) certificate of (here give name and official title of the officer signing the certificate passed upon) is adjudged to be correct. Let the instrument and the certificate be registered.

This ..... day of ....., A. D. .....

.....

(Signature of Judge)"

Sec. 4. G. S. 161-10 is hereby amended by adding the following paragraph to the end thereof:

"For certification of instruments for registration as provided in G. S. 47-14, twenty-five cents (25¢)."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 471 CHAPTER 640

AN ACT TO REWRITE ARTICLE II, SECTIONS 4, 5, AND 6 OF THE CONSTITUTION OF NORTH CAROLINA, WITH RESPECT TO REPRESENTATION IN THE GENERAL ASSEMBLY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article II of the Constitution of North Carolina is amended by rewriting Section 4 thereof to read as follows:

"Sec. 4. Senate Districts; Apportionment of Senators. The Senators shall be elected from districts. The General Assembly shall, at the first

regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Senate Districts and the apportionment of Senators among those districts, subject to the following requirements:

"(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Senator represents being determined for this purpose by dividing the population of the district he represents by the number of Senators apportioned to that district;

"(2) Each Senate District shall at all times consist of contiguous territory;

"(3) No county shall be divided in the formation of a Senate District;

"(4) When established, the Senate Districts and the apportionment of Senators shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

"The duty imposed upon the General Assembly by this Section shall continue until performed."

Sec. 2. Article II of the Constitution of North Carolina is amended by rewriting Section 5 thereof to read as follows:

"Sec. 5. Number of Representatives. The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot."

Sec. 3. Article II of the Constitution of North Carolina is amended by rewriting Section 6 thereof to read as follows:

"Sec. 6. Representative Districts; Apportionment of Representatives. The Representatives shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Representative Districts and the apportionment of Representatives among those districts, subject to the following requirements:

"(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Representative represents being determined for this purpose by dividing the population of the district he represents by the number of Representatives apportioned to that district;

"(2) Each Representative District shall at all times consist of contiguous territory;

"(3) No county shall be divided in the formation of a Representative District;

"(4) When established, the Representative Districts and the apportionment of Representatives shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

"The duty imposed upon the General Assembly by this Section shall continue until performed."

Sec. 4. Article II of the Constitution of North Carolina is amended by rewriting Section 13 thereof to read as follows:

"Sec. 13. Vacancies. Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law."

Sec. 5. Article II of the Constitution of North Carolina is amended by striking from Section 8 thereof the word "county" and inserting in lieu thereof the word "district".

Sec. 6. Article II of the Constitution of North Carolina is amended by striking from Section 27 thereof the words "and counties," as they appear in the first sentence of that Section.

Sec. 7. The amendments set out in Sections 1 through 6 of this Act shall be submitted as a unit to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing general elections in this State.

Sec. 8. At that election, the qualified voters favoring the amendments set out in Sections 1 through 6 of this Act shall vote ballots on which shall be printed or written the words:

"FOR constitutional amendments continuing present system of representation in the General Assembly."

and those voters opposed shall vote ballots on which shall be printed or written the words:

"AGAINST constitutional amendments continuing present system of representation in the General Assembly."

Sec. 9. If a majority of the votes cast thereon be in favor of the amendments set out in Sections 1 through 6 of this Act, the Governor shall certify those amendments under the Great Seal of the State to the Secretary of State, who shall enroll those amendments so certified among the permanent records of his office, and the amendments shall become effective upon that certification.

Sec. 10. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 11. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 511 CHAPTER 641

AN ACT TO AMEND CHAPTER 185, PRIVATE LAWS OF 1929, RELATING TO THE TAXING AUTHORITY OF THE TOWN OF VANCEBORO, IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 41 of Chapter 185, Private Laws of 1929, is hereby amended by deleting the words "not exceed the sum of one dollar and twenty-five cents on the one hundred dollars' valuation of property and two dollars", appearing in lines 4, 5 and 6, and by inserting in lieu thereof the words "be subject to the tax limitation and provisions of G. S. 160-402 and G. S. 160-397 and levy two dollars".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 556 **CHAPTER 642**

AN ACT TO MAKE THE GENERAL LAWS OF THE STATE RELATING TO FOX HUNTING APPLICABLE TO FRANKLIN AND WARREN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 742 of the Session Laws of 1957 and Section 2 of Chapter 197 of the Session Laws of 1957 are hereby repealed, it being the intent and purpose of this Act that the general laws of the State relating to fox hunting shall be applicable to Franklin County and Warren County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 557 **CHAPTER 643**

AN ACT TO AMEND CHAPTER 115 OF THE GENERAL STATUTES (REPLACEMENT 1966) TO PROVIDE FOR THE CONSOLIDATION AND MERGER OF CITY SCHOOL ADMINISTRATIVE UNITS AND COUNTY SCHOOL ADMINISTRATIVE UNITS TO THE END THAT ALL THE PUBLIC SCHOOLS IN THE MERGED UNIT MAY BE GOVERNED AND ADMINISTERED BY ONE BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-11(11) is hereby rewritten to read as follows:

"(11) Power to Alter the Boundaries of City School Administrative Units and to Approve Agreements for the Consolidation and Merger of School Administrative Units Located in the Same County. The Board shall have authority, in its discretion, to alter the boundaries of city school administrative units and to approve agreements submitted by county and city boards of education requesting the merger of two or more contiguous city school administrative units and the merger of city school administrative units with county school administrative units and the consolidation of all the public schools in the respective units under the administration of one board of education: Provided, that such merger of units and reorganization of school units shall not have the effect of abolishing any special taxes that may have been voted in any such units."

Sec. 2. G. S. 115-74 is hereby amended by placing a colon after the word "districts" at the end of the first paragraph of said Section and adding thereto the following: "Provided further, that nothing in this Section shall affect the right of any city school administrative unit or special tax district which now exists for the purpose of retiring debt service, to have the indebtedness of such district taken over by the county as provided by law, and nothing herein shall be construed to restrict the county board of education or the board of county commissioners in causing

such indebtedness to be assumed by the county as provided by law", and deleting the second paragraph of said Section.

Sec. 3. Article 8 of Chapter 115 of the General Statutes (Replacement 1966) is hereby amended by changing the title of said Article to read "Creating and Consolidating School Districts and School Administrative Units" and by inserting at the end of Section 74 a new Section which shall be designated as "115-74.1" and which new Section shall read as follows:

"Sec. 115-74.1. Consolidation and Merger of County and City School Administrative Units Located in the Same County. City school administrative units may be consolidated and merged with contiguous city school administrative units and with county school administrative units upon approval by the State Board of Education of a plan for consolidation and merger submitted by the boards of education involved and bearing the approval of the board of county commissioners.

"County and city boards of education desiring to consolidate and merge their school administrative units may do so by entering into a written plan which shall set forth the conditions of merger. The provisions of the plan shall be consistent with the General Statutes and shall contain, but not be limited to, the following:

(a) the name by which the merged school administrative unit shall be identified and known

(b) the effective date of the merger

(c) the establishment and maintenance of a board of education which shall administer all the public schools of the newly created unit, including

(1) the termination of any terms of office proposed in the reorganization of the board

(2) the method of constituting and continuing the board of education, the length of the members' terms of office, the dates of induction into office, the organization of the board, the procedure for filling vacancies, and the compensation to be paid members of the board for expenses incurred in performance of their duties

(d) the authority, powers, and duties of the board of education with respect to the employment of personnel, the preparation of budgets, and any other related matters which may be particularly applicable to the merged unit not inconsistent with the General Statutes

(e) the transfer of all facilities, properties, structures, funds, contracts, deeds, titles, and other obligations, assets and liabilities to the board of education of the merged unit

(f) the continuation of any supplemental school tax which may be in effect in either or all administrative units involved

(g) a public hearing, which shall have been announced at least ten days prior to the hearing, on the proposed plan of merger

(h) a statement as to whether the question of merger, in accordance with the projected plan, is to be contingent upon approval of the voters in the affected area

(i) any other condition or prerequisite to merger, together with any other appropriate subject or function that may be necessary for the orderly consolidation and merger of the school administrative units involved.

"The plan referred to above shall be mutually agreed upon by the city and county boards of education involved and shall be accompanied by a certification that the plan was approved by the board of education on a given day and that the action has been duly recorded in the minutes of said board, together with a certification to the effect that the public hearing required above was announced and held. The plan, together with the required certifications, shall then be submitted to the board of county commissioners for its concurrence and approval. After such approval has been received the plan shall be submitted to the State Board of Education for the approval of said State Board and the plan shall not become effective until such approval is granted. Upon approval by the State Board of Education the plan of consolidation and merger shall become final and shall be deemed to have been made by authority of law and shall not be changed or amended except by an Act of the General Assembly. The written plan of agreement shall be placed in the custody of the board of education operating and administering the public schools in the merged unit and a copy filed with the Secretary of State.

"The plan may be, but it is not required that it be submitted for the approval of the voters of the geographic area affected in a referendum or election called for such purpose, and such elections or referendums if held shall be held under the provisions governing elections or referendums as set forth in G. S. 115-122, with authority of the board of county commissioners to have such election or referendum conducted by the board of elections of the county."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 640

CHAPTER 644

AN ACT AMENDING G. S. 113-120.1 (RELATING TO TRESPASS FOR PURPOSES OF HUNTING, ETC., WITHOUT CONSENT OF LAND OWNER) AS THE SAME APPLIES TO AVERY, MITCHELL AND WATAUGA COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-120.1 is amended by adding at the end thereof a paragraph as follows:

"In Avery, Mitchell and Watauga Counties the punishment for a violation of this Section during the daytime shall be by a fine of not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) or by confinement in jail for not more than thirty days, or both fine and confinement in jail, in the discretion of the court, and the punishment for a violation of this Section in said counties committed at nighttime between the hours of sunset and sunrise shall be by a fine of not less than seventy-five dollars ($75.00) nor more than one hundred fifty dollars ($150.00) or by confinement in jail for not more than thirty days, or by both fine and confinement in jail, in the discretion of the court."

Sec. 2. This Act shall apply only to Avery, Mitchell and Watauga Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 693 CHAPTER 645

AN ACT TO COMPENSATE THE JURY COMMISSION OF MADISON COUNTY FOR THEIR SERVICES DURING 1967.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Madison County are hereby authorized and directed to pay each member of the Jury Commission of said County the sum of ten dollars ($10.00) for each day, or part thereof, that said Commissioners are engaged in the performance of their duties as Jury Commissioners.

Said payments are to be paid from the general fund of Madison County and shall be paid not later than December 31, 1967.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after ratification, but the provisions of this Act respecting the payment of compensation to said Commissioners shall be retroactive to January 1, 1967.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 766 CHAPTER 646

AN ACT TO PROVIDE FOR THE REORGANIZATION AND CONSOLIDATION OF THE BURKE COUNTY BOARD OF EDUCATION, THE MORGANTON GRADED SCHOOL DISTRICT (MORGANTON CITY SCHOOLS), AND THE GLEN ALPINE GRADED SCHOOL DISTRICT (GLEN ALPINE CITY SCHOOLS), AND TO CREATE AND ESTABLISH ONE ADMINISTRATIVE UNIT FOR ALL OF THE PUBLIC SCHOOLS IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The purposes of this Act, among others, are to provide an enabling Statute, in addition to other Statutes which may be available for such purposes, for the merger of the Burke County Board of Education, the Morganton Graded School District (Morganton City Schools), and the Glen Alpine Graded School District (Glen Alpine City Schools) into one administrative unit which will administer all of the public schools of Burke County, including those schools now operated and administered by the Burke County Board of Education, the Morganton Graded School District (Morganton City Schools), and the Glen Alpine Graded School District (Glen Alpine City Schools).

Sec. 2. That wherever used in this Act the Burke County Board of Education shall mean the Burke County Board of Education Administrative Unit, and the Morganton Graded School District (Morganton City Schools) shall mean the Morganton City Schools Board of Education Administrative Unit, and the Glen Alpine Graded School District (Glen Alpine City Schools) shall mean the Glen Alpine City Schools Board of Education Administrative Unit.

Sec. 3. The Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine City Schools Board of Education, by majority vote of the full membership of each of said Boards, may jointly petition the Burke County Board of Commissioners for the county-wide election on the following subjects: (a) the merger of the Burke County Board of Education Administrative Unit and the Morganton City Schools Board of Education Administrative Unit, and the Glen Alpine City Schools Administrative Unit, and their respective Boards of Education; (b) the construction of new consolidated high schools to be located in accordance with the recommendations of the State Survey, January, 1963, and to be established to serve all of the students in Burke County, and the issuance of bonds pursuant to the County Finance Act, as amended, for construction of said consolidated high schools and for other school capital outlay purposes in an amount not to exceed eight million dollars ($8,000,000.00) to be determined by the Burke County Board of Commissioners upon the request of a majority of the members of the existing Burke County, Morganton, and Glen Alpine Boards of Education; (c) to require the merged Burke County Public Schools Board of Education to request and the Burke County Board of Commissioners to appropriate annually from general tax revenues, such funds as will provide funds which shall be no less than the current expense expenditures per student levied and appropriated to the administrative units in the Burke County school system during the fiscal year preceding the year in which the election as herein set forth for the merger is held; (d) to require the county commissioners to levy a county-wide supplemental school tax computed on the then current county-wide taxable valuation at a rate to produce not less than the per capital dollar produced per student by the existing supplemental tax in the Morganton Graded School District in the last completed fiscal year preceding the election, not to exceed fifty cents (50¢) per one hundred dollar ($100.00) valuation.

Sec. 4. Upon the receipt of such petitions, it shall be the duty of the Burke County Board of Commissioners to call an election upon the foregoing subjects within 60 days thereafter and fix the date for the same which shall be held within 120 days thereafter. Such election shall not be held at the time of any other election nor in conjunction with an election for any other purpose whatsoever. The provisions of this Act, relating to the merger of the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine Schools Board of Education, shall be contingent upon the approval, by a majority of voters voting in a county-wide election, of all of the proposals as set out in subsections (a) through (d) of Section 3 of this Act. The said election shall be conducted in accordance with the applicable provisions of the

General Statutes of the State of North Carolina. The ballot to be printed and used in said referendum of election shall be substantially as follows:

BALLOT

1. The merger of the Burke County Board of Education Administrative Unit, the Morganton City Schools Board of Education Administrative Unit, and the Glen Alpine Schools Administrative Unit and their respective Boards of Education and to create and establish one administrative unit for all of the public schools in Burke County.

2. The construction of new consolidated high schools in Burke County to be located in accordance wih the recommendations of the State Survey, January, 1963, and the issuance of bonds not in excess of eight million dollars ($8,000,000.00) pursuant to the County Finance Act, as amended, for the acquisition of land, construction costs of the buildings, equipment and for other school capital outlay purposes.

☐ FOR all 4 issues

3. To require the merged Burke County Public Schools Board of Education to request and the Burke County Board of Commissioners to appropriate annually from general tax revenues, such funds as will provide, current expense expenditures per student, funds which shall be no less than the current expense expenditures per student levied and appropriated to the administrative units in the Burke County school system during the fiscal year preceding the year in which the election as herein set forth for the merger is held.

☐ AGAINST all 4 issues

4. To require the county commissioners to levy a county-wide supplemental school tax computed on the then current county-wide taxable valuation at a rate to produce not less than the per capita dollar produced per student by the existing supplemental tax in the Morganton Graded School District in the last completed fiscal year preceding the election, not to exceed fifty cents (50¢) per one hundred dollar ($100.00) valuation.

Sec. 5. In the event of merger, the following shall apply:

(a) On the effective date of merger as hereinafter provided, the terms of office of the members of the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine City Schools Board of Education shall terminate subject to continuing duties herein prescribed, regardless of whether said persons were appointed or elected to office, and the Burke County Board of Education shall, on said date, select four members from this Board and the Morganton City Schools Board of Education shall select three members from its Board, and the Glen Alpine City Schools Board of Education shall select two members from its Board who shall become members of and constitute the Burke County Public Schools Board of Education and shall, as of said date, commence serving their initial terms on said consolidated Board. In order

to assure that each high school geographical district will be represented on said initial Board and thereafter, the Burke County Board of Education shall select at least two members from the high school districts not represented by the Morganton City Schools Board of Education and the Glen Alpine Schools Board of Education. In event no current member of the Burke County Board of Education is a resident of a high school district, not otherwise represented, the Burke County Board of Education shall have full power and authority to appoint a member from such high school district regardless of whether he is at that time serving on the Burke County Board of Education.

(b) Of said nine members who shall initially constitute the Burke County Public Schools Board of Education, three members shall serve for an initial term that shall expire at 12:00 noon on the first Monday in May of the odd year succeeding their appointment. Three members shall serve for an initial term that shall expire at 12:00 noon on the first Monday in May two years thereafter. The remaining three members shall serve for an initial term which shall expire at 12:00 noon on the first Monday in May four years thereafter. Newly elected members shall assume their offices at 12:00 noon on the first Monday of May following their election. At the initial meeting of said newly constituted Board of Education, lots shall be drawn by the members so selected, and constituting the new Board, to determine whose terms shall expire according to the above determined staggered term. Upon said determination, the terms shall be recorded in the minutes of the newly constituted Board of Education and said members shall serve in accordance therewith. Persons who shall serve initial terms shall be determined by the respective Boards of Education as above set forth.

(c) In the year in which the initial terms of the first three such persons referred to in subsection (b) of Section 5 above shall expire, and in a regular county-wide biennial School Board election thereafter, three persons shall be elected for six-year terms on said Board, three persons shall be elected two years thereafter and three persons elected two years later. The result of this procedure shall be that the membership of the Board shall initially consist of nine persons, and shall thereafter consist of nine persons, three of whom shall be elected every two years to serve a term of six years each. No person shall be eligible to serve more than two successive six-year elective terms.

(d) On the first Tuesday after the first Monday in April of each odd year succeeding the appointment of the initial Board and at a time other than when a regular, special or general election is held for the election of any other governmental official, and each two years thereafter at the same time, there shall be elected from the candidates who have filed in accordance with this Act three members of the Board of Education who shall serve for a term of six years each.

The Board of Elections shall prepare a ballot for use at the election and on which shall be listed the names of the candidates. The names of the candidates shall bear no party designation. Except as herein provided, the election herein provided, shall be held and conducted and supervised by the County Board of Elections under the laws and regulations providing for the election of county officers.

The County of Burke shall be divided into high school geographical districts and at all times each high school district shall be represented by at least one member of the Board of Education. Whenever a vacancy occurs or is about to occur due to the expiration of a term, the candidates running in said high school district shall be so designated on the ballot. All candidates shall be voted for by the electorate at large. A candidate must have been a resident of said high school geographical district for at least six months prior to the date of election in order to be eligible to run in said district. Provided, if such School Board member moves from said district during the term for which he is elected and he is the only member from such district serving on the Board, such office shall immediately become vacant and shall be filled by a person residing in such district (for at least six months prior thereto) in accordance with this Section. Otherwise, said Board member may continue to serve as long as he remains competent to do so for the duration of his term.

(e) All candidates for membership on the Burke County Public Schools Board of Education shall file a notice of such candidacy by 5:00 p.m. on or before the fourth Friday before the date on which the election is to be held and each candidate shall pay a filing fee of ten dollars ($10.00) and in addition shall certify in writing that he is a bona fide resident of Burke County and the district he filed to represent, and a qualified registered voter therein, said notice to be filed with the Burke County Board of Elections.

All persons registered and qualified to vote in the preceding general election and those registered and qualified to vote in accordance with the general election laws of North Carolina shall be eligible to vote in the election for the members of the Board of Education.

(1) Any vacancies which may occur on the Burke County Public Schools Board of Education after the initial Board has been created shall be filled by appointment by a majority of the remaining members of the Board for the unexpired term.

(f) Within 90 days after the successful vote on all of the issues presented, the three Boards of Education shall be convened by the chairman of the Burke County Board of Education for the purpose of approving and adopting the high school geographical district lines (in conformity with the 1963 State Survey) in order that the initial and succeeding Boards of Education shall have represented thereon at least one member from each high school district so designated. A majority of all of the members of said Boards of Education shall constitute a quorum and a majority of those present shall be sufficient to approve and adopt said high school district lines.

(g) In the event no candidate is elected in the School Board election to fill any term which is about to expire, then and in that event, the Burke County Public Schools Board of Education shall declare a vacancy, and such vacancy shall be filled in accordance with subsection (e) (1) of Section 5 above.

(h) Any meeting of the three existing Boards of Education required under this Act shall be convened by the chairman of the Burke County Board of Education with no less than two days' notice to each member. A majority of the existing members of the three Boards of Education

shall constitute a quorum and a majority of those present shall be sufficient to carry any issue.

Sec. 6. The following provisions shall apply in the event of merger under the plan provided for in this Act.

(a) The consolidated Board shall be the County Board of Education in and for Burke County and shall have county-wide jurisdiction over the public schools system in Burke County, including all municipalities located therein. The name of the consolidated Board shall be: Burke County Public Schools Board of Education.

(b) The members of the Burke County Public Schools Board of Education shall be residents of Burke County.

(c) For the fiscal year beginning July 1 immediately following the merging of the three Boards of Education, if the consolidated Board is not created in sufficient time to present its supplemental tax budget and its capital outlay, debt service and current expense budgets within the time prescribed by law for said fiscal year, then the members of the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine Schools Board of Education, acting jointly and by majority vote of all members present, shall determine the amount and contents of the school budget, including current expense, capital outlay, and debt service, requested for the fiscal year beginning July 1 of that year, and shall give the Burke County Board of Commissioners due notice thereof in time to levy such taxes as may be necessary to provide funds for said budget of that year, and the said three Boards of Education acting in like manner, shall prepare and submit to the Board of Commissioners the capital outlay, debt service, and current expense budgets for that fiscal year within the time prescribed by law. In the event that it is necessary for the three administrative units to submit a budget as herein set out, it shall be the responsibility of the chairman of the Burke County Board of Education to convene and to preside at the joint meetings of said parties meeting for this purpose.

(d) Each year following the merging of the three Boards of Education, at the same time the other school budgets are filed, the Burke County Public Schools Board of Education shall file a supplemental tax budget which, shall provide a minimum expenditure per student from supplemental funds which is not less than the supplemental taxes collected per student by the Morganton City Schools Administrative Unit during the fiscal year prior to the year in which such election is held. The Board of Commissioners shall assign the supplemental tax collected to the Burke County Public Schools Board of Education and said funds shall at all times remain under the control of said Board which shall adopt a budget for and approve all expenditures therefrom. Said funds shall be allocated on an equal per capita basis among the students in the various high school attendance zones. The Burke County Board of Commissioners shall approve the regular school budgets and shall then provide the funds therefor.

(e) The Burke County Public Schools Board of Education, as reorganized, shall appoint a treasurer of all the schools funds of the Burke County Public Schools Administrative Unit. The treasurer so appointed shall continue to fill such position at the discretion of the Board of Education. No persons authorized to make the expenditures or draw vouchers

therefor, or to approve same, shall act as treasurer of said funds. The treasurer shall give bond for the faithful performance of his duties in such amount as said Board of Education may prescribe, but, in no event, for less than twenty-five thousand dollars ($25,000.00). Except as herein otherwise expressly provided, the treasurer shall perform the duties prescribed by applicable provisions of Chapter 115 of the General Statutes of North Carolina and shall be subject to all of such provisions of said Chapter. All sums appropriated by said Board of Commissioners for school capital outlay, for current expense, and to supplement the current expense fund from State and county allotments shall be paid over to the treasurer of the Burke County Public Schools Board of Education at reasonable periods after the receipt of said funds by the treasurer of the Burke County Public Schools Board of Education at reasonable periods after the receipt of said funds by the treasurer of Burke County; provided, however, that the Board of Commissioners shall hold and administer the proceeds of school bonds sales in accordance with the procedure now being followed in holding and administering the proceeds of such sales.

(f) In addition to the powers and duties of the Board of Education herein set forth, the Board of Education shall have, possess, and be charged with all of the duties and responsibilities of Boards of Education provided for in Chapter 115 of the General Statutes of North Carolina which are not inconsistent or in conflict with this Act.

(g) Five members of the full membership of the Burke County Public Schools Board of Education shall constitute a quorum, and such quorum shall be necessary to transact any official business of the Board.

(h) There shall be regular stated meetings of the Burke County Public Schools Board of Education which shall be approved by said Board. Special or called meetings shall be held when called by the secretary with the advice and consent of the chairman or vice chairman. Any three members of the Burke County Public Schools Board of Education shall have the privilege and right to call a meeting of said Board.

(i) Burke County Public Schools Board of Education may appoint an advisory council for any school or for all the schools within the system. The purpose and function of an advisory council shall be to serve in an advisory capacity to the Board on matters affecting the school or schools for which it is appointed. The organization, terms, composition, and regulations for the operation of such advisory council shall be determined by the Board.

(j) Title to the property of the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine Schools Board of Education, both real and personal, of every kind and description, including all funds to which each administrative unit is entitled, including unexpended balances, shall be vested in the Burke County Public Schools Board of Education as of the effective date of consolidation. The Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine Schools Board of Education shall have full and ample authority to execute without consideration therefor or public sale of the property involved, all such deeds and other instruments as may be deemed necessary or proper to vest record title to any such property in the Burke County Public Schools Board of Education. The newly elected

officers shall have the right and authority to execute any documents on behalf of each of the three administrative units for the purpose of conveying to and vesting in the newly created Burke County Public Schools Board of Education any and all property, both real and personal.

(k) All claims and demands of every kind which the Burke County Board of Education, the Morganton City Schools Board of Education, or the Glen Alpine Schools Board of Education may have as of the effective date of consolidation shall pass and be transferred to the newly created Burke County Public Schools Board of Education, and the Burke County Public Schools Board of Education shall have the same power and authority to enforce said claims and demands as the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine Schools Board of Education would have had in the event of their continuing existence. Any obligations or liabilities of either of said three Boards existing as of the effective date of consolidation, shall be and become the obligations and liabilities of the newly created Burke County Public Schools Board of Education and such obligations and liabilities may be enforced against said Burke County Public Schools Board of Education to the extent that they might have been enforced against the Burke County Board of Education, the Morganton City Schools Board of Education or the Glen Alpine Schools Board of Education had the said Boards continued in existence.

(l) As of the effective date of consolidation, all provisions of the Charter of the Morganton City Schools Board of Education and the Glen Alpine Schools Board of Education relating to public schools shall be deemed to be and are hereby repealed.

Sec. 7. The provisions of this Act shall prevail over any inconsistent provisions of Chapter 115 of the General Statutes of North Carolina and other general or special Acts.

Sec. 8. The provisions of the preceding Sections of this Act shall be contingent upon the following:

1. Merger under the plan as set forth in this Act.

2. The issuance of bonds pursuant to the County Finance Act, as amended, and the construction of new consolidated high schools to be established to serve the students of Burke County, and for other school purposes and in an amount as determined by the Burke County Board of Commissioners upon the request of the existing city and county Boards of Education.

3. Requiring the Burke County Public Schools Board of Education to request and the Burke County Board of Commissioners to appropriate annually from general tax revenues, such funds as will provide, current expense expenditures per student, funds which shall be no less than the current expense expenditures per student levied and appropriated to the administrative units in the Burke County school system during the fiscal year preceding the year in which the election as herein set forth for the merger is held.

4. To require the County Commissioners to levy a county-wide supplemental school tax computed on the then current county-wide taxable valuation at a rate to produce not less than the per capita dollar produced per student by the existing supplemental tax in the Morganton Graded School

District in the last completed fiscal year preceding the election, not to exceed fifty cents (50¢) per one hundred dollar ($100.00) valuation.

Sec. 9. (a) Upon a favorable vote on all of the issues submitted at the public election, the Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine City Schools Board of Education shall be merged and the effective date of the merger shall be July 1 next following the election. (b) Upon a favorable vote on all of the issues submitted at the public election, the supplemental tax approved under Section 3 (d) of this Act shall replace all supplemental school taxes theretofore approved by the voters of the various special school tax districts in the county, including the Glen Alpine and Morganton school districts. All taxes levied thereafter shall be levied pursuant to the provisions of this Act. All supplemental school taxes in the county including those in Glen Alpine and Morganton City Schools, previously levied and uncollected shall be collected by the Burke County Tax Collector and remitted to the Burke County Public School Board of Education to be appropriated under Section 6 (d) of this Act.

Sec. 10. Upon approval of the Board, individual members of the Board shall be compensated for travel or sustenance when such expenditures occur in connection with the conduct of official School Board business.

Sec. 11. It is contemplated that a superintendent, associate superintendents, and assistant superintendents and other school officials will have to be employed so as to organize the schools and perform certain duties prior to the effective date of the merger. Therefore, upon the successful vote of all of the issues presented, the three Boards of Education of the administrative units shall meet no more than 120 days nor less than 90 days prior to the effective date of the merger and shall have full authority to employ such personnel. The chairman of the Burke County Board of Education shall convene said Board and preside at said meeting. The Board of Education shall have the authority to establish the salaries to be paid for such officials and designate the administrative unit budget from which said salaries are to be paid. Provided, however, that the first superintendent shall be elected from applicants other than personnel constituting personnel of the three systems at the time of the merger.

Sec. 12. If an election under this Act fails to carry on the subjects in Section 3 (a) through (d) or if no petition for consolidation is made under Section 3 or if such petition is made but not approved as required under Section 4 of this Act, another election may be petitioned by the three Boards of Education for vote on the subjects as outlined in Section 3 (a) through (d) at any time after expiration of six months following the date of the last preceding election called and held under this Act.

Sec. 13. Nothing in this Act shall operate to repeal any special school tax now provided for by law for the Burke County Board of Education Administrative Unit, the Morganton City Schools Board of Education Administrative Unit, or the Glen Alpine Schools Administrative Unit unless a majority of the votes cast in said election authorizes the subjects in Section 4 (a) through (d) of this Act and until the merger of the units is effective.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 773 **CHAPTER 647**

AN ACT TO REGULATE NOISE IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful to operate any motorcycle on any public street, highway or road, in Carteret County between the hours of 10:00 p.m. and 9:00 a.m. except on any road or street which is a part of the State or Federal Highway System.

Sec. 2. It shall be unlawful to operate any motor vehicle race track or drag strip in Carteret County between the hours of 11:00 p.m. and 9:00 a.m. or to drive or operate any motor vehicle on such track or strip during said hours.

Sec. 3. Any violation of this Act shall be punishable by a fine of not more than fifty dollars ($50.00) and imprisonment for not more than thirty days.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 835 **CHAPTER 648**

AN ACT AUTHORIZING ESTABLISHMENT OF NONTAX RESERVE FUNDS, APPLICABLE ONLY TO CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as "The Nontax Reserve Fund Act of 1967".

Sec. 2. Meaning of Terms. As used in this Act the word "Board" shall mean the Board of Commissioners for a county, the words "public purpose" shall mean public purpose within the meaning of Section 3, Article V of the Constitution of North Carolina, the word "fund" or "funds", unless the context herein clearly indicates to the contrary, shall mean fund as defined in Section 153-114 of the General Statutes of North Carolina.

Sec. 3. Powers Conferred. In addition to all other funds authorized by law, a county is hereby authorized and empowered to establish and maintain a nontax reserve fund in the manner hereinafter provided.

Sec. 4. Establishment of Fund. When the board for a county elects to establish a nontax reserve fund, it shall pass an order creating the fund, which order shall state substantially the following:

(a) That a nontax reserve fund is thereby created for the County of ..... pursuant to the Nontax Reserve Fund Act of 1967;

(b) That from and after ....., 19....., (insert the date decided upon by the board) all receipts from revenue derived from beer and wine licenses, State beer and wine crown tax and from all profits allocated by law to the county from operation of alcoholic beverage control stores shall be deposited in said nontax reserve fund as received; and

(c) That the order shall take effect upon its passage.

Sec. 5. Depositary; Security. Promptly upon establishment of a nontax reserve fund the board shall designate some bank or trust company having its principal office in the State of North Carolina as depositary of said fund in which moneys of the fund shall be deposited. The board may, at its discretion, designate more than one such bank or trust company or may discharge one and designate another. For protection of deposits in the nontax reserve fund the board shall require a depositary to furnish such security as is required by law for protection of public deposits.

Sec. 6. Investments. Pending their use for the purpose or purposes hereinafter authorized, all or part of the moneys in the nontax reserve fund may be invested in bills, certificates, notes or bonds of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal of and interest on which is guaranteed by the United States of America; or in certificates of deposit of a depositary of the nontax reserve fund.

Sec. 7. Purposes of Expenditure; Withdrawals. Moneys in the nontax reserve fund may be expended in the county for such public purpose authorized by law as the board shall determine to be for the best interests of the county. Withdrawal for expenditure from the nontax reserve fund shall be authorized by order passed by the board specifying the amount of such withdrawal and, in brief and general terms, a description of the purpose of such withdrawal. The board shall prescribe the method by which expenditure of moneys in the nontax reserve fund shall be effectuated, consistent with Article 10, Chapter 153 of the General Statutes of North Carolina, being the County Fiscal Control Act. No withdrawal shall be authorized for an amount which, together with the unexpended balances of all previously authorized withdrawals, shall exceed the amount of money actually on deposit to the credit of the nontax reserve fund: Provided, the board may at any time rescind or repeal an order authorizing a withdrawal when the unexpended balance of such withdrawal is not encumbered by contract or by appropriation in some other fund of the county.

Sec. 8. The provisions of this Act shall apply only to Carteret County.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 836 **CHAPTER 649**

AN ACT AUTHORIZING ESTABLISHMENT OF NECESSARY EXPENSE RESERVE FUNDS, APPLICABLE ONLY TO CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as "The Necessary Expense Reserve Fund Act of 1967".

Sec. 2. Meaning of Terms. As used in this Act, the word "Board" shall mean the Board of Commissioners for a county, the words "necessary expense" shall mean necessary expense within the meaning of Section 6, Article VII of the Constitution of North Carolina, the word "fund" or "funds", unless the context herein clearly indicates to the contrary, shall mean fund as defined in Section 153-114 of the General Statutes of North Carolina, "Fiscal Control Act" shall mean The County Fiscal Control Act, being Article 10 of Chapter 153 of the General Statutes of North Carolina.

Sec. 3. Powers Conferred. In addition to all other funds authorized by law, a county is hereby authorized and empowered to establish and maintain a necessary expense reserve fund in the manner hereinafter provided.

Sec. 4. Establishment of Fund. When the Board for a county elects to establish a necessary expense reserve fund, it shall pass an order creating the fund, which order shall state substantially the following:

(a) That a necessary expense reserve fund is thereby created for the County of ..... pursuant to The Necessary Expense Reserve Fund Act of 1967,

(b) That the source of moneys to be deposited in said Necessary Expense Reserve Fund shall be payment of appropriation made in the general fund of the county in accordance with the provisions of The Fiscal Control Act, and

(c) That the order shall take effect upon its passage.

Sec. 5. Depositary; Security. Promptly upon establishment of a necessary expense reserve fund the Board shall designate some bank or trust company having its principal office in the State of North Carolina as depositary of said fund in which moneys of the fund shall be deposited. The Board may, at its discretion, designate more than one such bank or trust company or may discharge one and designate another. For protection of deposits in the necessary expense reserve fund the Board shall require a depositary to furnish such security as is required by law for protection of public deposits.

Sec. 6. Investments. Pending their use for the purpose or purposes hereinafter authorized, all or part of the moneys in the necessary expense reserve fund may be invested in bills, certificates, notes or bonds of the United States of America; or in bonds or notes of any agency or instrumentality of the United States of America the payment of principal of and interest on which is guaranteed by the United States of America; or in certificates of deposit of a depositary of the necessary expense reserve fund.

Sec. 7. Purposes of Expenditure; Withdrawals. Moneys in the necessary expense reserve fund may be expended in the county for such necessary expenses as the Board shall determine to be for the best interests of the county. Withdrawal for expenditure from the necessary expense reserve fund shall be authorized by order passed by the Board specifying the amount of such withdrawal and, in brief and general terms, a description of the purpose of such withdrawal. The Board shall prescribe the method by which expenditure of moneys in the necessary expense reserve fund shall be effectuated, consistent with the Fiscal Control Act. No withdrawal shall be authorized for an amount which, together with the unexpended balances of all previously authorized withdrawals, shall exceed the amount of money actually on deposit to the credit of the necessary expense reserve fund: Provided, the Board may at any time rescind or repeal an order authorizing a withdrawal when the unexpended balance of such withdrawal is not encumbered by contract or by appropriation in some other fund of the county.

Sec. 8. The provisions of this Act shall apply only to Carteret County.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 855 CHAPTER 650

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Sanford is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF SANFORD

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Sec. 1.1. Incorporation and General Powers. The City of Sanford shall continue to be a body politic and corporate under the name of the 'City of Sanford', and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession, may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board

of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Sanford shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. BEGINNING at a point of intersection of the northern line of U. S. No. 1 Bypass (103 feet from the center line of the southbound lane) and the northern right of way of the Southern Railroad, 40 feet from the center thereof, and running thence South 53 degrees 30 minutes East along the right of way of the said Southern Railroad and 40 feet from the center thereof 2700 feet to a point in said right of way; thence North 41 degrees East 150 feet to an old corner of the lands of Dr. F. W. McCraken and Mary McIver; thence North 55 degrees 45 minutes East 800 feet to a point; thence North 1,055 feet to a point; thence West 315 feet to a point; thence North 1,200 feet to a point on the northern side of the Carolina Power and Light Company power line right of way; thence North 50 degrees East parallel with said power line and 50 feet from the center thereof 1,300 feet to a point in the southern edge of the pavement of Burns Drive and 12 feet from the center line thereof; thence along the southern edge of the pavement of Burns Drive South 76 degrees 30 minutes East 640 feet to a point; thence crossing Burns Drive North 12 degrees 15 minutes East 430 feet to a stake; thence South 33 degrees 30 minutes West 365 feet to a stake corner of the Ray Morrow property; thence as his line North 2 degrees 30 minutes East 863 feet to a T-iron, another corner with Ray Morrow; thence with another of his lines South 87 degrees 30 minutes East 522 feet to a stake in the western margin of U. S. Highway No. 1-A; thence along the western margin of said highway in a southerly direction 480 feet to a stake in said right of way; thence South 82 degrees East 65 feet to a point on the East side of U. S .No. 1-A, said point being 35 feet from the center line thereof; thence South 8 degrees 15 minutes West parallel with said U. S. No. 1-A 680 feet to a point 35 feet from the center of U. S. No. 1-A (Hawkins Avenue) and 15 feet North of the center line of Winfield Street; thence along Winfield Street South 85 degrees 30 minutes East 150 feet to a stake 15 feet North of the center line thereof; thence South 5 degrees 30 minutes West 2620 feet to a point, said point being 165 feet East of the center line of Hawkins Avenue and in the southern margin of Poplar Street; thence as the southern margin of Poplar Street South 83 degrees East 300 feet to a stake in the West line of Wilson Avenue; thence as the West line of Wilson Avenue South 7 degrees West 1,000 feet; thence East crossing the S. A. L. Railroad 4400 feet to a stake; thence South 1,000 feet to a stake in the North line of Temple Avenue and running thence as the northern line of Temple

Avenue extended North 78 degrees East 950 feet to a stake in the center of Osgood Road; thence South 12 degrees East parallel with Eleventh Street 1106 feet to a stake 200 feet East of the eastern right of way of said Eleventh Street; thence North 83 degrees 40 minutes East 276.3 feet to an iron axle; thence North 84 degrees 20 minutes East 189 feet to a stake in the back property line of the G. P. Phelps lot; thence South 17 degrees East 850 feet to a point in the center of the Poplar Springs Road, said point being 230 feet eastward from the center line of Scott Avenue; thence South 13 degrees West parallel with Scott Avenue 945 feet to a stake 200 feet from the northern right of way of Bragg Street; thence parallel with and 200 feet from the right of way of said Bragg Street South 39 degrees 20 minutes East 438 feet to a point; thence continuing parallel with Bragg Street South 23 degrees 30 minutes East 380 feet to a point; thence still continuing parallel with Bragg Street South 8 degrees 40 minutes East 860 feet to a stake; thence South 52 degrees East 145 feet to a stake; thence in a southerly direction parallel with the eastern right of way line of Bragg Street and 300 feet therefrom 1240 feet to a stake in the northern line of the property of the State Highway Commission; thence South 79 degrees 50 minutes East 440 feet to a concrete monument corner of State Highway Commission property; thence South 14 degrees 30 minutes East 510.5 feet to a concrete monument State Highway Commission corner; thence South 77 degrees West 240 feet to a stake corner with J. W. Berryman; thence South 48 degrees 38 minutes West 76 feet to a corner of lot five of the Berryman property; thence South 46 degrees 30 minutes East 382 feet to a stake, being the northeast corner of lot two of the Berryman property; thence North 43 degrees 30 minutes East 85 feet to a stake corner of lot number one; thence South 46 degrees 30 minutes East 318 feet to a stake in the line of Frank Buchanan's property; thence North 78 degrees 22 minutes East 190 feet to a stake Frank Buchanan's corner in the line of A. B. Harrington property; thence South 12 degrees 15 minutes West 180 feet to a stake, Harrington's corner; thence as his line South 15 degrees 55 minutes East 410 feet to a point in said line; thence North 82 degrees 52 minutes East passing just North of the Harrington home 575 feet to a point in his eastern line; thence as his line South 15 degrees 55 minutes East 350 feet to a stake in the northern right of way line of Nash Street; thence as the said northern margin of Nash Street in an easterly direction 430 feet to an iron stake, corner of the property of Lee County Board of Education; thence as their line North 22 degrees 48 minutes East 704.5 feet to an angle-iron in Sloan Branch; thence as the various courses of Sloan Branch and in a northerly direction 1,150 feet to an oak tree on said branch; thence South 23 degrees 57 minutes East 267.3 feet to an iron pipe; thence South 11 degrees 7 minutes East 277.2 feet to an iron stake corner with Walter J. O'Quin land; thence as his line South 87 degrees 58 minutes East 380.3 feet to an iron pipe in field; thence North 67 degrees 11 minutes East 240.5 feet to an iron pipe; thence South 37 degrees 47 minutes East 257 feet to an iron stake in the northwestern margin of Kelly Drive; thence as the northwestern margin of Kelly Drive in a southwesterly direction 1,850 feet to its intersection with the eastern right of way line of Nash Street; thence as said eastern line of Nash Street

South 32 degrees East 2,940 feet to a point in said right of way just South of the A. and W. Railroad; thence South 1 degree West 4,650 feet to a stake near the intersection of Watson Avenue and Cornell Drive; thence North 89 degrees West 5,280 feet to a stake; thence North 1 degree East 3,670 feet to a point in the southern right of way of Harkey Road; thence along the southern margin of Harkey Road North 87 degrees 30 minutes West 1,131.8 feet to a point at its intersection with Hughes Street; thence North 2 degrees 45 minutes East 40 feet to a point where the North edge of the pavement line of Harkey Road extended intersects the center line of Hughes Street; thence North 84 degrees 40 minutes West 1,063 feet to a stake 200 feet West of the right of way of Courtland Drive and 200 feet North of the center of an old road; thence parallel with said old road and 200 feet North thereof and in a westerly direction to its intersection with Garden Street Extension and continuing in a westerly direction 200 feet North of the center line thereof a total of 3200 feet to a point in the eastern right of way line of the Seaboard Airline Railroad 50 feet from the center thereof; thence in a northerly direction parallel with said railroad 2,600 feet to a stake; thence North 82 degrees 15 minutes West crossing the Seaboard Airline Railroad right of way 150 feet to a stake in the East line of the Oakview Subdivision; thence North 3 degrees 33 minutes East with the East line of Oakview 180 feet to the South line of Crestview Street; thence westerly with the South line of Crestview Street and that line extended 1,250 feet to a stake in Buckner's West line; thence North 73 degrees 16 minutes West 420 feet to a stake in the line of Gilmore Terrace Housing Project; thence as its line South 25 degrees 59 minutes East 68.48 feet to an iron stake a corner thereof; thence as its line and the line of A. C. Cameron South 35 degrees 39 minutes West 378.58 feet to an iron stake Cameron's corner; thence South 85 degrees 30 minutes East 16.3 feet to an iron stake in his line; thence South 4 degrees 11 minutes West 194.97 feet to an iron stake in the northern right of way line of Fields Drive; thence as said northern right of way line of Fields Drive South 84 degrees 22 minutes West 379.4 feet to an iron axle corner between Gilmore Terrace Housing Project and the lands of K. M. Wicker; thence as Wicker's line North 15 degrees 30 minutes West 880 feet to a stake in said Wicker's line; thence North 73 degrees 16 minutes West crossing U. S. Highway No. 1-A and passing through the southeast property corner of Dr. Paul O. Howard 1,850 feet to a stake in the pasture which said stake is 400 feet from U. S. Highway No. 1-A; thence North 54 degrees West 1408.7 feet to a power pole in the edge of pasture near the southern terminus of Fitts Street; thence continuing North 54 degrees West 300 feet to a point in the center of Buffalo Creek; thence along the various courses of the creek in a northwesterly direction 2,240 feet to its intersection with the eastern right of way line of U. S. Highway No. 1; thence along the eastern line of U. S. Highway No. 1 North 19 degrees 20 minutes East 1,466 feet; thence continuing with said U. S. No. 1 North 15 degrees 45 minutes East 1,056 feet; thence continuing with said U. S. Highway No. 1 North 11 degrees East 930 feet to the intersection of the eastern right of way line of said U. S. Highway No. 1 and the southern right of way line of Spring Lane Extension; thence North 79 degrees 30 feet West

crossing U. S. Highway No. 1 and along the southern right of way line of Spring Lane Extension and 30 feet from the center line thereof 2,000 feet to its intersection with the eastern line of Wilkins Drive South 10 degrees West along Wilkins Drive 200 feet to a point in the eastern line thereof; thence in a southwesterly direction parallel with the southern right of way line of Spring Lane; and 200 feet therefrom and passing just South of the R. B. Lemmond home 1,450 feet to a stake; thence North 25 degrees 39 minutes West 260 feet to a point in the northern right of way line of Spring Lane Extension; thence North 64 degrees 21 minutes East along the said northern margin of Spring Lane Extension 250 feet to an iron stake, the southwest corner of Glenn Griffin's property; thence as his line North 25 degrees 41 minutes West 270 feet to an iron stake Griffin's northwest corner; thence North 64 degrees 08 minutes East 73.04 feet to an iron stake; thence North 21 degrees 22 minutes West crossing Hermitage Road 210.7 feet to a stake in the northern right of way thereof; thence as the said northern right of way of Hermitage Road North 70 degrees 07 minutes East 170 feet to its intersection with the western line of Lord Ashley Drive; thence as the said western margin of Lord Ashley Drive North 19 degrees 54 minutes West 290.5 feet to a stake in the northern right of way of the Carolina Power and Light power transmission line and 50 feet from the center thereof; thence along the right of way of said power line North 70 degrees 58 minutes East 1180 feet to a point in the West line of Wilkins Drive; thence along Wilkins Drive North 39 degrees 45 minutes West 75 feet to a stake in said western line of Wilkins Drive; thence North 46 degrees 30 minutes East crossing Wilkins Drive 440.5 feet to an iron stake Noneman's corner; thence North 4 degrees East along his line 454 feet to an iron stake Noneman's corner in the line of Dr. F. L. Knight; thence along the line of Dr. F. L. Knight North 87 degrees East 1138 feet to an iron stake corner of the property of City of Sanford; thence as their line South 5 degrees East 370 feet to the point where the line of the property of City of Sanford intersects the northern right of way of the Carolina Power and Light power transmission line; thence as the northern margin of said power line North 70 degrees 58 minutes East 900 feet to its intersection with the Western right of way line of U. S. Highway No. 1; thence in a northerly direction parallel with U. S. Highway No. 1 and 103 feet from the center line of the western lane 1360 feet to the point of BEGINNING.

Sec. 2.2. Existing Ward Boundaries. The City of Sanford shall be divided into seven wards, denominated, First, Second, Third, Fourth, Fifth, Sixth, and Seventh. Said wards shall be bounded as follows:

First Ward: Lying in West Sanford Township, BEGINNING at the intersection of the center line of Horner Boulevard with the northwestern boundary line of the City of Sanford as laid out and established by this Act; thence running with the center line of Horner Boulevard in a southerly direction to the center of Gordon Street; thence northeastwardly with the center line of Gordon Street to the center of Steele Street; thence southwardly with the center line of Steele Street to the center of Wicker Street; thence westwardly with the center line of Wicker Street to the center of U. S. Highway No. 1-A; thence southwestwardly with the center line of U. S. Highway No. 1 to the southerly boundary

line of the City of Sanford; thence with the said boundary line and in a clockwise direction to the BEGINNING.

Second Ward: Lying in West Sanford Township, BEGINNING at the intersection of the center line of the Seaboard Air Line Railroad with the northern boundary line of the City of Sanford as laid out and established by this Act; thence running with the center line of the Seaboard Air Line Railroad in a southerly direction to the center of Charlotte Avenue; thence with the center line of Charlotte Avenue eastwardly to the center of Chatham Street; thence with the center line of Chatham Street southwardly to the center of Wicker Street extended to Chatham Street; thence westwardly with the center line of Wicker Street to the center of Steele Street; thence northwardly with the center line of Steele Street to the center of Gordon Street; thence southwestwardly with the center line of Gordon Street to the center of Horner Boulevard; thence northwardly with the center line of Horner Boulevard to its intersection with the northwesterly boundary line of the City of Sanford as laid out and established by this Act; thence in a clockwise direction with the said boundary line to the BEGINNING.

Third Ward: Lying in East Sanford Township, BEGINNING at the intersection of the center line of Charlotte Avenue with the center line of Chatham Street and running eastwardly with the center line of Charlotte Avenue to its intersection with the center line of Poplar Springs Road (SR No. 1509); thence eastwardly with the center line of Poplar Springs Road (SR No. 1509) to the eastern boundary line of the City of Sanford, said boundary line being 230 feet eastward from the center line of Scott Avenue, as laid out and established by this Act; thence South 13 degrees West and parallel with Scott Avenue and 200 feet therefrom, 945 feet to a stake located 200 feet from the northern right of way of Bragg Street; thence parallel with, and 200 feet from the right of way of said Bragg Street, South 39 degrees 20 minutes East 438 feet to a point; thence continuing parallel with Bragg Street, and 200 feet therefrom, South 23 degrees 30 minutes East 380 feet to a point; thence continuing parallel with Bragg Street, and 200 feet therefrom, South 8 degrees 40 minutes East, 860 feet to a stake; thence South 52 degrees East, 145 feet to a stake; thence in a southerly direction parallel with the eastern right of way line of Bragg Street, and 300 feet therefrom, 1240 feet to a stake in the northern line of the property of the North Carolina State Highway Commission; thence with said northern line of the North Carolina State Highway Commission property, North 79 degrees 50 minutes West, 330 feet to the center line of Bragg Street; thence in a southerly direction with the center line of Bragg Street 30 feet to the intersection of the center line of Seventh Street extended; thence westwardly with the center line of Seventh Street to the intersection of the center line of Rose Street; thence southwestwardly with the center line of Rose Street to its intersection with the center line Chatham Street; thence northwardly with the center line of Chatham Street to its intersection with the center line of Charlotte Avenue, the point of BEGINNING.

Fourth Ward: Lying in West Sanford Township, BEGINNING at the intersection of the center line of Chatham Street and the center line of Wicker Street extended to Chatham Street, and running thence south-

wardly with the center line of Chatham Street to the center of Rose Street; thence southwestwardly with the center line of Rose Street and continuing in a straight line South 34 degrees 15 minutes West to the southern boundary of the City of Sanford; thence in a clockwise direction with said boundary line as laid out and established by this Act to its intersection with the center line of U. S. Highway No. 1-A, South; thence northwardly with the center line of U. S. Highway No. 1-A, to the center line of Wicker Street; thence eastwardly with the center line of Wicker Street to the BEGINNING.

Fifth Ward: Lying in East Sanford Township, BEGINNING at the intersection of the center line of the Seaboard Air Line Railroad with the center line of Charlotte Avenue and running thence northwardly with the center line of the Seaboard Air Line Railroad to its intersection with the northern boundary line of the City of Sanford; thence in clockwise direction with said boundary line as laid out and established by this Act to its intersection with the center line of Poplar Springs Road (SR No. 1509); thence westwardly with the center line of Poplar Springs Road (SR No. 1509) to its intersection with the center line of Charlotte Avenue; thence westwardly with the center line of Charlotte Avenue to the BEGINNING.

Sixth Ward: Lying in Jonesboro Township, BEGINNING at the intersection of the center line of the Atlantic Coast Line Railroad and the southern boundary line of the City of Sanford and running thence northwardly with the center line of the Atlantic Coast Line Railroad to the center of Rose Street; thence northeastwardly with the center line of Rose Street to the center of Seventh Street; thence southeastwardly with the center line of Seventh Street to the center of Bragg Street; thence northwardly with the center line of Bragg Street 30 feet; thence South 79 degrees 50 minutes East 330 feet to the East boundary line of the City of Sanford; thence in a clockwise direction with said boundary line as laid out and established by this Act to its intersection with the Atlantic Coast Line Railroad at the southern boundary line of the City of Sanford, the point of BEGINNING.

Seventh Ward: Lying in Jonesboro Township, BEGINNING at the intersection of the center line of the Atlantic Coast Line Railroad and the center line of Rose Street and running thence southwardly with the center line of the Atlantic Coast Line Railroad to the southern boundary line of the City of Sanford; thence in a clockwise direction with said boundary line as laid out and established by this Act to the point of intersection with the center line of West Rose Street extended to the southern boundary line of the City of Sanford; thence North 34 degrees 15 minutes East with the center line of Rose Street extended and continuing northeastwardly with the center line of Rose Street to the point of BEGINNING.

Sec. 2.3. Apportionment of Newly Annexed Territories to Wards; Reapportionment of Population Among Wards. The Board of Aldermen is authorized to apportion newly annexed territories to existing wards. The Board shall reapportion the population of this municipality into seven wards as nearly equal in population as may be after each decennial census. This reapportionment shall be effective for the next municipal election. The procedure for franchise adoption in this Charter, or as near as may

be, will be followed. The ward boundaries shall exist and continue once set until the next decennial census.

ARTICLE III. MAYOR, MAYOR PRO TEMPORE, COMPOSITION OF BOARD OF ALDERMEN: VACANCIES

Sec. 3.1. Composition of the Board of Aldermen. The governing body of the City shall consist of the Mayor and one Alderman from each of the seven wards, elected by the qualified voters of the City voting at large in nonpartisan elections.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be the chief executive officer of the governing body, charged with the execution of all the responsibilities of that office; provided, the Board of Aldermen shall at their first meeting appoint one of their own number to be Mayor Pro Tempore, and, in case of any vacancy in that office, shall fill the same with some member of the Board. It shall be the duty of the Mayor Pro Tempore at all times during the term of this office, when the Mayor of said City shall for any reason be unable to discharge his duties, to act as Mayor and perform all of the duties pertaining to such office during the time when the Mayor is unable to discharge the same; and for that purpose such Mayor Pro Tempore shall have and exercise all of the powers and rights, with full authority which pertain to such Mayor in holding Mayor's court and in all other respects. Such Mayor Pro Tempore shall hold office for a term of two years or until his successor is elected and duly qualified.

Sec. 3.3. Terms of Office; Vacancies Therein. (a) In each regular biennial election there shall be elected a Mayor to serve for a term of two years, or until his successor is elected and qualifies.

(b) In each regular biennial election there shall be elected seven Aldermen, one who resides in each of the seven wards, to serve for a period of two years or until their successors are elected and qualify.

(c) Following each regular biennial election, the Mayor and Aldermen elected shall assume their offices on July 1 following the election. If said day shall fall on Sunday, then they shall assume their offices on the Monday next following.

(d) In the case of a vacancy for any reason in the office of Mayor or Alderman, the remaining members of the Board of Aldermen shall by majority vote fill the same for the remaining unexpired portion of the term. Vacancies in the office of Alderman shall be filled so as to retain one Alderman from each of the seven wards. Removal by any Alderman from the ward in which he resided at the time of his election shall ipso facto create a vacancy in the office of Alderman from such ward.

Sec. 3.4. Compensation of Mayor and Aldermen. The Mayor shall receive for his services such salary as the Board of Aldermen shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The Board of Aldermen may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect as to any Alderman during the respective term of office which he is serving at the time the increase is voted.

Sec. 3.5. Organization of Board; Oaths of Office. The Board of Aldermen shall meet and organize for the transaction of business at a time established by ordinance, following each election and prior to July 1. Before entering upon their offices, the Mayor and each Alderman shall take, subscribe, and have entered upon the minutes of the Board the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

Sec. 3.6. Meetings of Board. (a) The Board of Aldermen shall fix suitable times for its regular meetings, which shall be as often as twice monthly. Special meetings may be held on the call of the Mayor or a majority of the Aldermen, and those not joining in the call shall be notified accordingly. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) The Board shall not vote upon any question except in open session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Board of Aldermen shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) The affirmative vote of a majority of the members of the Board of Aldermen shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The 'yeas' and 'nays' shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Aldermen of the City of Sanford'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

Sec. 3.9. Franchises; Limitation on Period for Which Granted. Franchises shall be granted by ordinance only. No franchise for the use of streets, sidewalks, highways or other public property of the City shall be hereafter granted, extended or renewed for a longer period than 30 years from the adoption of the franchise ordinance.

Sec. 3.10. Publication and Reading of Ordinance. No ordinance granting any franchise for the use of the streets, sidewalks, highways or other public property of the City shall be passed until the full text thereof shall have been published for three weeks in a newspaper having general circulation in the City, at the expense of the applicant applying for such franchise, before the second reading of such ordinance. All such ordinances shall be read at three separate regular meetings of the Board of Aldermen and a 'yea' and 'nay' vote shall be taken and recorded on the second and

third readings. The rules shall not be suspended so as to pass any such ordinance in a shorter time.

Sec. 3.11. Ordinance to Provide Reasonable Time for Completion of Work. No ordinance granting any franchise for the use of the streets, sidewalks, highways or other public property of the City shall be passed unless some reasonable time limit shall be provided therein for the commencement and completion of the work authorized.

Sec. 3.12. Terms and Conditions of Grant. The Board of Aldermen shall have the right to fix such terms and conditions upon which a franchise for the use of the streets, sidewalks, highways or other public property of the City shall be granted.

Sec. 3.13. Franchise for Construction of Railroad on Street Conditioned to Street Maintenance. No franchise to construct and operate any railway upon any street in the City shall be granted except on the condition that the company owning and operating such railway shall keep up and maintain the street between and at least 18 inches on each side of every line of such railway and all space between tracks where such railway is double tracked.

Sec. 3.14. Renewal of Grants for Construction or Operation of Utilities. The Board of Aldermen may, by ordinance and in the manner hereinbefore specified for granting franchises, renew any grant for the construction or operation of any utility not earlier than two years prior to its expiration, upon such terms as may be conducive to the public interest.

Sec. 3.15. How Franchises for Occupation of Streets Construed. All franchises or privileges for the occupation of the streets shall be strictly construed in favor of the City and no franchise or privilege shall be held to have been granted unless granted in clear and unmistakable terms.

Sec. 3.16. Grant or Renewal of Franchise, Subject to Certain Rights of City. The grant of every franchise or privilege as well as the renewal of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to enact and enforce ordinances to acquire proper and adequate extensions of service and to protect the public from danger and inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be necessary to secure adequate, sufficient and proper service and accommodations for the people, and to insure their comfort and convenience without discrimination.

Sec. 3.17. Revocable Permits for Laying Spur Tracks. Revocable permits for laying spur tracks across or along streets and public places to connect any steam, electric or other railroad with any warehouse, factory or other establishment needing switching facilities shall not be considered to be franchises, as that term is used in this Charter, but such permits may be granted and revoked by the Board from time to time, in accordance with such terms and conditions as may be prescribed by general ordinance.

Sec. 3.18. Grant for Extension of Public Utilities. The Board of Aldermen may by ordinance grant to any individual, company or corporation operating a public utility or quasi-public utility the right to extend the

appliances and services of such utility. All such extensions shall become a part of the aggregate property of the utility and shall be subject to all the obligations and reserved rights in favor of the City applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made, or any renewal thereof.

Sec. 3.19. Prohibition of Exclusive or Perpetual Grants. No right to construct, maintain or operate any public utility in the City of Sanford shall be exclusive or perpetual.

ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Regular Municipal Elections. Regular City elections shall be held biennially on the second Saturday after the first Monday in May, beginning in 1967. In each regular election there shall be elected a Mayor and seven Aldermen, one who resides in each of the seven wards.

In each regular biennial election, each qualified voter of the City shall be entitled to vote for one candidate for Mayor and for one candidate for Alderman from each ward. In each regular election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected, and the candidate for Alderman from each of the wards who receives the largest number of votes cast for candidates who reside in the ward wherein he resides shall be declared elected. In case of an equal number of votes between opposing candidates, the Board of Elections of Lee County shall determine the result by lot.

ARTICLE. V. CITY MANAGER

Sec. 5.1. Appointment, Qualifications, Term, and Compensation. The Board of Aldermen shall appoint the City Manager to hold office during the pleasure of the Board. The City Manager shall be appointed with regard to merit only, and he need not be a resident of the City when appointed. The City Manager shall receive for his services such compensation as the Board of Aldermen shall determine.

Sec. 5.2. Powers and Duties of City Manager Generally. The City Manager shall (1) be the administrative head of the City government; (2) see that within the jurisdiction of the City, the laws of the State, and the ordinances, resolutions, rules and regulations of the Board are faithfully executed and enforced; (3) attend all meetings of the Board, and recommend for adoption such measures as he may deem expedient; (4) make reports to the Board from time to time upon the affairs of the City, and keep the Board fully advised of the City's financial condition and its future financial needs.

Sec. 5.3. Certain Specific Powers and Duties of City Manager Enumerated. (a) The City Manager shall devote his entire time to the affairs of the City and shall not actively engage in any other business.

(b) The City Manager shall establish and organize such departments for the administration of the affairs of the City as he may deem proper or necessary for the efficient and economical administration.

(c) The City Manager shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchises are

faithfully kept and performed and, upon knowledge of any violation thereof, shall call the same to the attention of the Board of Aldermen and shall take such steps as are necessary to enforce the same.

(d) The City Manager, or such person as he shall designate, shall superintend the construction, operation and maintenance of all public works, including streets, sidewalks, sewers, waterworks, public grounds, and parks.

(e) The City Manager may revoke or suspend licenses or permits pending action by the Board of Aldermen.

(f) The City Manager shall supervise performance of all contracts of the City.

(g) The City Manager shall examine personally, or by duly designated deputy, all records, books and accounts of each department of the City government.

(h) The City Manager shall require that reports shall be made to him by each department of the City government, showing the receipt of all moneys by such departments and the disposition thereof, at least once a month and oftener if he desires.

(i) The City Manager shall, in addition to the powers and duties set forth in this Charter and the State law, exercise such other powers and perform such other duties as may be authorized by the Board of Aldermen, not inconsistent with this Charter or with the State law.

Sec. 5.4. Absence or Disability of City Manager. In the event the City Manager shall be sick, absent from the City or otherwise unable to perform the duties of his office, the Board of Aldermen may designate any other City employee, or any other person, as acting City Manager, and the person so designated shall have all the power and authority of the Manager while serving in such capacity. Any employee designated as acting City Manager shall receive such additional compensation as the Board of Aldermen may determine. Neither the Mayor nor any Board member shall serve as acting City Manager.

ARTICLE VI. ADMINISTRATIVE OFFICES AND PERSONNEL

Sec. 6.1. Appointment and Removal of Department Heads and Employees; Salaries. (a) The City Manager, except as otherwise provided in this Charter, shall appoint and may suspend and remove all City employees and heads of departments, and, in his discretion, may employ consultants of any kind when authorized by the Board of Aldermen. The City Manager shall report to the Board of Aldermen every appointment and removal of a department head at the next regular Board meeting following such appointment or removal.

(b) All salaries and compensation paid to employees appointed by the City Manager are set by the City Manager and shall be subject to confirmation by the Board of Aldermen.

(c) Department heads, when so authorized by the City Manager, may suspend or remove any employee in his department.

(d) Neither the Board nor any of its members shall take any part in the appointment or removal of department heads and employees in the administrative service of the City, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the City At-

torney, the Board and its members shall deal with the administrative service solely through the City Manager, and neither the Board nor any of its members shall give any specific orders to any subordinates of the City Manager, either publicly or privately.

Sec. 6.2. City Clerk. The City Clerk shall be appointed by the Board of Aldermen, and shall have the following duties: (1) to act as Clerk to the Board, to attend all meetings thereof, and to maintain a permanent record of all proceedings thereof; (2) to keep the books of account of the City. The term of office of the City Clerk shall be two years.

Sec. 6.3. City Tax Collector. The Board of Aldermen shall appoint a Tax Collector for the City, who shall be charged with the collection of all taxes and assessment, and such Tax Collector shall be appointed for two years.

Sec. 6.4. Consolidating of Functions of Certain Offices. The Board of Aldermen may, in its discretion, consolidate the offices of City Clerk and City Tax Collector, and may assign the functions of either of these offices to the holder of the other of these offices.

Sec. 6.5. City Attorney; Appointments; Qualifications; Term; Compensation. The Board of Aldermen may appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Board of Aldermen and shall receive such compensation as the Board shall determine.

Sec. 6.6. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, Board of Aldermen, City Manager, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the Board of Aldermen; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

Sec. 6.7. Oath of Office Required. Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take the oath prescribed for public officers, before the Mayor or the City Clerk: the City Manager, City Clerk, any assistant City Clerk, Chief of Police and each member of the police force, the building inspector and all employees empowered to enforce the building code.

ARTICLE VII. FINANCE AND TAXATION

Sec. 7.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City depository. Such institution shall be designated by the Board of Aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act as now written or as the same shall be amended from time to time.

Sec. 7.2. Issuance of Bonds. The City may issue bonds for the purposes and in the manner prescribed by the General Statutes of North Carolina relating to the issuance of bonds by municipalities.

Sec. 7.3. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or any of its officers. The Board of Aldermen shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the Board of Aldermen.

Sec. 7.4. Delinquent Taxes to General Fund. The Board of Aldermen may, in its discretion, direct the payment into the General Fund of all or any part of the proceeds of taxes which are, when collected, two or more years delinquent.

ARTICLE VIII. PURCHASES AND CONTRACTS; SALE OF PROPERTY

Sec. 8.1. Purchases and Contracts. All purchases of apparatus, supplies, materials and equipment, and all contracts for construction or repair work shall be made in accordance with applicable provisions of the General Statutes.

Sec. 8.2. Disposal of Surplus Personal Property. The Board of Aldermen shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Board has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Board may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Board;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided all such sealed bid proposals shall be opened in public and recorded on the minutes of the Board.

ARTICLE IX. POLICE

Sec. 9.1. Police Jurisdiction. The jurisdiction of the police force is hereby extended to include all City-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Sec. 9.2. Effect of Ordinance on City Property. All applicable ordinances of the City shall have full force and effect upon and within all City-owned property and facilities, whether located within or outside the corporate limits.

ARTICLE X. RETIREMENT SYSTEM

Sec. 10.1. Establishment. The Board of Aldermen of the City of Sanford is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries, in the following cases:

(a) Retirement because of age;

(b) Disability;

(c) Death.

Sec. 10.2. Coverage; Benefits. Such system shall include such officers and employees of the City as shall be determined by the Board of Aldermen. The City shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal services rendered to the City by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the City prior to the establishment thereof, and the City may contribute the entire cost of benefits based on any such prior service. The Board of Aldermen may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the Board of Aldermen and the Board shall appropriate each year sufficient revenue to provide for the expense of the administration.

Sec. 10.3. Maintained on Solvent Basis. The system shall be maintained on a solvent actuarial reserve basis for all benefits beginning at its inauguration date, excepting the present value of benefits based on prior service.

Sec. 10.4. Contributions. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than forty years from the date of establishment of the system.

Sec. 10.5. Contracts for Payment. The City may provide for the payment of one or more of the benefits enumerated in this Article by contracting with the governing body of any other municipality or municipalities in the State, with the United States government or any of its agencies or departments, with the State of North Carolina or any of its agencies or departments, or any contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such Fund, or for the investment, care or administration of such Fund, or for any other service relating thereto.

The City or any other governing body, agency, insurance company, person, or corporation contracting with the City for the investment, care or administration of said system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.

Sec. 10.6. Not to Limit Other Authority. Nothing in this Article shall be construed so as to prohibit the City from providing or continuing to provide Old Age and Survivors' insurance, or Social Security coverage,

for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the Fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act.

ARTICLE XI. ESTABLISHMENT OF PROPOSED STREET LINES

Sec. 11.1. Authorized; Notice and Hearing. Whenever, in the opinion of the Board of Aldermen, it is for the best interest of the City that any street should be widened or extended, or both, or that a new street should be opened, the Board may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within which such streets should be widened, extended or opened. If any street under the provisions of such ordinances is to be widened, it need not be widened on both sides; and if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending, or opening any street under the provisions of this Charter, may not be adopted until the proposed ordinance is published in a newspaper having general circulation in the City and qualified to carry legal notices at least two times, on separate days, at least ten days before the passage of the ordinance, or, if there be not such newspaper, posted in three public places in the City. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the Board. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance. The City shall file with the Register of Deeds of Lee County an original thoroughfare map showing all proposed streets as the same may be amended from time to time. Such amendments shall be made within 20 days following any change in the thoroughfare plan.

Sec. 11.2. Notice to City Prerequisite to Improvement in Proposed Street Lines. After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved, or for any part of any existing building within such lines to be repaired or otherwise improved until the City shall have been given an opportunity to purchase or otherwise acquire such property for street purposes as provided in this Charter. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the Board of Aldermen of the nature and estimated cost of such building, repairs, or improvements. The Board shall then determine whether it will take the necessary steps to acquire such property prior to the construction of such building or the making of such repairs or improvements and if it fails from 60 days from date of receipt of such notice to acquire, or to institute condemnation proceedings to acquire, such property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulation of the City, or to make the repairs or improvements described in such notice.

Sec. 11.3. Failure to Give Notice Bars Recovery for Improvements. If any person, firm, or corporation builds upon any land included within

proposed street lines, or repairs or otherwise improves that part of any existing building within the proposed street lines without giving the City an opportunity to acquire such land free from such improvements, as provided in the preceding Section, the City shall not be required to pay for the value of the building, repairs, or improvements in any proceedings subsequently brought to acquire such land for the purpose set out in the preceding Section.

Sec. 11.4. Acquisition of Land Prior to Improvement. If upon receiving a notice in compliance with Section 11.2 the Board of Aldermen determines to acquire such land immediately, it may acquire the same by grant, purchase, or condemnation. In no case shall an effort to purchase such land be necessary to the institution of condemnation proceedings. If the Board determines to proceed by condemnation, the condemnation shall be as set forth in this Charter.

Sec. 11.5. Cost of Land Acquired to be Assessed as Part of Improvements. After any land has been purchased or condemned for the purpose of widening, extending, or opening any street, and land purchased or condemned lies within the limits of an improvement directed in such proceedings, then the amount paid by the City for the land purchased or condemned, together with the cost of the condemnation proceeding and interest paid on such amount, and other costs shall be included in the cost of such improvement and shall be assessed as provided by law against the property to be assessed for the improvements.

Sec. 11.6. Exercise of Condemnation Power After Failure of City to Acquire Following Notice of Improvement. The failure of the City to acquire any land within 60 days after receiving notice that the same is to be built upon, or that a building thereon is to be repaired or otherwise improved, or its failure within such time to institute proceedings to condemn same, shall not limit the right of the City at any subsequent time to condemn the same; but in such case the owner shall be entitled to compensation as now provided by law for the building, repairs, or improvements made after the giving of the required notice and the failure of the City to acquire such land free of such improvements.

ARTICLE XII. STREET IMPROVEMENTS: ASSESSMENT OF COSTS

Sec. 12.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the Board of Aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Sec. 12.2. When Petition Unnecessary. The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Board as a fact:

(a) That the street improvement project does not exceed one thousand linear feet, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Sec. 12.3. Street Improvement Defined. For the purpose of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing, widening, paving, repaving, the acquisition of right of way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Sec. 12.4. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Board of Aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 12.5. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

ARTICLE XIII. REFUSE, WEEDS, AND TRASH

Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the City to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Sec. 13.2. Removal of Offensive Matter; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby the City forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days' notice to do so. In such event the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XIV. PARKING AND PARKING FACILITIES

Sec. 14.1. Authority to Regulate Off-street Parking. The Board of Aldermen shall have power and authority to enact ordinances for the regulation of the use by vehicles of:

(a) Municipally owned or leased off-street parking areas and facilities;

(b) Publicly owned off-street parks, outdoor recreation areas, and yards and grounds occupied by public buildings; and

(c) Privately owned areas permissively used by the general public for parking or street purposes.

Sec. 14.2. Civil Penalties. In the exercise of the authority granted by Section 14.1 the Board of Aldermen shall have authority to make and provide civil penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of municipal ordinances.

ARTICLE XV. PLANNING AUTHORITY AND BUILDING REGULATIONS

Sec. 15.1. Subdivision Control. Any subdivision control ordinance enacted by the Board of Aldermen under authority of general law may provide for the more orderly development of subdivisions within the subdivision control jurisdiction of the City by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies established by the Board. To assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

Sec. 15.2. Regulatory Codes. The Board of Aldermen is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the City regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200(28) relating to unsafe buildings. In addition, the Board of Aldermen is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the City, and the power to make a reasonable charge therefor; provided, that the Board of Aldermen may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

ARTICLE XVI. CLAIMS AGAINST THE CITY

Sec. 16.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City of Sanford arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit thereon shall be brought within 30 days thereafter. Unless the claim or demand is so presented within 90 days after the cause of action accrues, any action thereon is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any

public purpose or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within three years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Aldermen of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

(d) Within the time limit, claims may be filed with the Board in session, with the City Manager, the City Clerk, or with the Mayor.

Sec. 16.2. Settlement of Claims by City Manager. The City Manager may settle claims against the City for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be approved in advance by the City Attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the City of Sanford and to consolidate herein certain Acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. All laws and clauses of laws inconsistent or in conflict with the provisions of this Act be and the same are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 920 **CHAPTER 651**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES RELATING TO THE USE OF RED AND AMBER LIGHTS ON CERTAIN VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-130.1, as the same appears in the 1965 Replacement Volume 1C, is hereby amended by striking out the word "wreckers," in line 5, and by striking out the comma following the words "Interstate Commerce Commission" in the second sentence, inserting a period in lieu thereof and striking the remainder of the sentence consisting of the words, "or to maintenance or construction vehicles or equipment of the State Highway Commission engaged in performing maintenance or construction work on the roads".

Sec. 2. Chapter 20 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 20-130.1, to be designated as G. S. 20-130.2, and to read as follows:

"Sec. 20-130.2. Use of Amber Lights on Certain Vehicles. All wreckers operated on the highways of the State shall be equipped with an amber colored flashing light which shall be so mounted and located as to be clearly visible in all directions from a distance of 500 feet. It shall be lawful to equip any other vehicle with a similar warning light including, but not by way of limitation, maintenance or construction vehicles or equipment of the State Highway Commission engaged in performing maintenance or construction work on the roads, maintenance or construction vehicles of any person, firm or corporation, and any other vehicles required to contain a warning light."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. B. 951 **CHAPTER 652**

AN ACT TO PERMIT THE STATE BOARD OF EDUCATION TO CONTRACT DIRECTLY WITH LOCAL COUNTY AND CITY BOARDS OF EDUCATION FOR OPERATION OF THE EXTENSION UNITS OF THE COMMUNITY COLLEGE SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 115A-5 of the General Statutes of North Carolina is amended by inserting between the second and third paragraphs of this Section a new paragraph to read as follows:

"The State Board of Education is authorized to enter into agreements with county and city boards of education, upon approval by the Governor and the Advisory Budget Commission, for the establishment and operation of extension units of the Community College system. The State Board is further authorized to provide the financial support for operating and equipping extension units as provided in this Chapter for other institutions, subject to available funds."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from the date of ratification.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

S. B. 272 **CHAPTER 653**

AN ACT TO ALLOW SAVINGS AND LOAN CORPORATIONS TO INVEST IN A CORPORATION ORGANIZED TO PROVIDE SERVICES FOR SAVINGS AND LOAN CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 54-21.2 of the General Statutes is hereby amended by adding thereto a new subparagraph following subsection (c) as follows:

"(d). Any savings and loan association incorporated under the laws of this State or any federal savings and loan association whose principal office is in the State of North Carolina, may invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State of North Carolina when the entire capital stock of such corporation is owned or is to be owned by such savings and loan association. Provided, however, that the original capital stock of such corporation shall aggregate at least three hundred thousand dollars ($300,000.00) from subscriptions and payments by at least 10 of the aforementioned associations; and provided further that no association may own capital stock obligations or other securities of such corporation which in their aggregate exceeds one per cent (1%) of the assets of each such savings and loan association, and provided further that not less than one hundred per cent (100%) of all the activities of such service corporation shall consist of originating, purchasing, selling and servicing loans or participating interest in loans upon real estate or other investments authorized to be made by savings and loan associations doing business in the State of North Carolina, and performing such clerical, bookkeeping, accounting, statistical, and other such activities, as may be permitted by the Commissioner of Insurance."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. B. 415 **CHAPTER 654**

AN ACT TO AMEND CHAPTER 113 OF THE GENERAL STATUTES PERTAINING TO FISHING IN CERTAIN BOUNDARY WATERS BY BOUNDARY COUNTY RESIDENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-276 of the General Statutes of North Carolina is amended by adding the following sentences at the end of paragraph (e):

"Where a municipality is bounded by a boundary river or stream, residents of the county in which the municipality is located may fish in the boundary river or stream from those banks of such river or stream in any adjoining county lying directly opposite to the banks of the municipality in question and be deemed fishing within their county for the purposes of the exemption contained in this paragraph. The same is deemed true of fishing from the banks of any island in the boundary river or stream within the area opposite the banks of the municipality or municipalities. For the purposes of this Section, a boundary river or stream is such portion of a river or stream which either forms a county boundary line or follows the course of such a line. Such line may follow the middle, thread, some former channel, the edge, or some other course in, along, under, or touching the waters of such river or stream so long as the course of the river or stream substantially represents or follows the course of such boundary line."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. B. 470 CHAPTER 655

AN ACT REGARDING APPEALS UNDER THE STATE TORT CLAIMS ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-293 is hereby rewritten to read as follows:

"Section 143-293. Either the claimant or the State may, within 30 days after receipt of the decision and order of the Full Commission, to be sent by registered or certified mail, but not thereafter, appeal from the decision of the Commission to the Court of Appeals. Such appeal shall be for errors of law only under the same terms and conditions as govern appeals in ordinary civil actions, and the findings of fact of the Commission shall be conclusive if there is any competent evidence to support them. The appellant shall cause to be prepared a statement of the case as required by the rules of the Court of Appeals. A copy of this statement shall be served on the respondent within 45 day from the entry of the appeal taken; within 20 days after such service, the respondent shall return the copy with his approval or specified amendments endorsed or attached; if the case be approved by the respondent, it shall be filed with the Clerk of the Court of Appeals as a part of the record; if not returned with objections within the time prescribed, it shall be deemed approved. The Chairman of the Industrial Commission shall have the power, in the exercise of his discretion, to enlarge the time in which to serve statement of case on appeal and exceptions thereto or counterstatement of case.

"If the case on appeal is returned by the respondent with objections as prescribed, or if a countercase is served on appellant, the appellant shall immediately request the Chairman of the Industrial Commission to fix a time and place for settling the case before him. If the appellant

delays longer than 15 days after the respondent serves his counter case or exceptions to request the Chairman to settle the case on appeal, and delays for such period to mail the case and countercase or exceptions to the Chairman, then the exceptions filed by the respondent shall be allowed; or the countercase served by him shall constitute the case on appeal; but the time may be extended by agreement of counsel.

"The Chairman shall forthwith notify the attorneys of the parties to appear before him for that purpose at a certain time and place, which time shall not be more than 20 days from the receipt of the request. At the time and place stated, the Chairman of the Industrial Commission shall settle and sign the case and deliver a copy to the attorneys of each party. The appellant shall within five days thereafter file it with the Clerk of the Court of Appeals, and if he fails to do so the respondent may file his copy."

Sec. 2. G. S. 143-294 is hereby amended by striking out "superior court" as the same appears in line two of such Section and by substituting in lieu thereof "Court of Appeals".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on October 1, 1967.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. B. 504 CHAPTER 656

AN ACT TO AMEND CHAPTER 888, SESSION LAWS OF 1961, RELATING TO THE SALARY OF THE SUPERVISOR OF ABC STORES IN THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Chapter 888, Session Laws of 1961, is hereby amended by deleting the words and figures "Six Thousand Dollars ($6,000.00)" from lines 3 and 4 of the first quoted paragraph in Section 1, and inserting in lieu thereof the words and figures "Eight Thousand Dollars ($8,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. B. 522 CHAPTER 657

AN ACT TO PROVIDE FOR THE APPOINTMENT OF LIST TAKERS IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. General Statute 105-287 is amended by adding at the end thereof the following: "In Nash County the Board of County Commissioners is authorized to limit the number of list takers to be appointed in said County and to prescribe and allocate the responsibility for tax listing and assessment in the several townships of the County."

Sec. 2. This Act shall apply only to Nash County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

H. B. 200 CHAPTER 658

AN ACT TO AMEND G. S. 47-17.1, SO AS TO REQUIRE DOCUMENTS AND PAPERS TO BE PROBATED AND RECORDED TO DESIGNATE THE DRAFTSMAN THEREOF IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-17.1, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting in line 15, immediately after the word "Orange" and before the word "Perquimans", the word "Pamlico."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

H. B. 916 CHAPTER 659

AN ACT TO AMEND SECTION 55 A-3 OF THE GENERAL STATUTES TO CLARIFY ITS APPLICABILITY.

The General Assembly of North Carolina do enact:

Section 1. Section 55 A-3(a)(3) as the same appears in the 1965 Replacement Volume 2 B is hereby amended by striking out the words "regulated by Chapter 57 of the General Statutes" after the word "corporations" in line 6 of said subsection and inserting in lieu thereof the words "as defined in Chapter 57 of the General Statutes which were incorporated prior to July 1, 1957".

Sec. 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

H. B. 935 CHAPTER 660

AN ACT TO AMEND G. S. 108-49 TO BROADEN THE DEFINITION OF DEPENDENT CHILDREN UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN WELFARE PROGRAM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-49 as it appears in the 1966 Replacement Volume 3A of the General Statutes, is hereby amended by deleting at the end of

line 11 and the beginning of line 12 thereof the words "within the State" and by inserting in line 13 thereof between the word "birth" and the comma, the words "or application".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

H. B. 1089 CHAPTER 661

AN ACT TO PROVIDE FOR THE PUNISHMENT OF CERTAIN MISDEMEANORS IN DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-107, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by inserting the word "Durham," in the sixth line of the fourth paragraph, immediately after the word "Duplin,".

Sec. 2. G. S. 14-335 is hereby amended by striking out of the paragraph thereof numbered "12" the word "Durham,". G. S. 14-335 is further amended by inserting the word "Durham," immediately after the word "Davie," in the paragraph numbered "1".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. B. 180 CHAPTER 662

AN ACT TO PROVIDE THAT SETTLEMENT OF PROPERTY DAMAGE CLAIMS ARISING OUT OF MOTOR VEHICLE COLLISIONS SHALL NOT CONSTITUTE AN ADMISSION OF LIABILITY BY THE PERSON MAKING SUCH SETTLEMENT OR BY THE INSURANCE CARRIER AND TO PROVIDE THAT ACCEPTANCE OF SUCH SETTLEMENT BY AN INJURED PARTY SHALL NOT CONSTITUTE A RELEASE OR BAR OF FURTHER CLAIMS FOR BODILY INJURY OR DEATH.

The General Assembly of North Carolina do enact:

Section 1. Article 44 of Chapter 1 of the General Statutes of North Carolina is hereby amended by inserting after the present Section 1-540.1 a new Section to be designated as Section 1-540.2 to read as follows:

"§ 1-540.2. Settlement of Property Damage Claims; Same not to Constitute Admission of Liability, nor Bar Party Seeking Damages for Bodily Injury or Death. In any claim, civil action, or potential civil action which arises out of a motor vehicle collision or accident, settlement of any property damage claim arising from such collision or accident, whether such settlement be made by an individual, a self insurer, or by an insurance carrier under a policy of insurance, shall not constitute an admission of liability on the part of the person, self insurer or insurance carrier making

such settlement, which arises out of the same motor vehicle collision or accident. It shall be incompetent for any claimant or party plaintiff in the said civil action to offer into evidence, either by oral testimony or paper writing, the fact that a settlement of the property damage claim arising from such collision or accident has been made; provided further, that settlement made of such property damage claim arising out of a motor vehicle collision or accident shall not in and of itself act as a bar, release, accord and satisfaction, or discharge of any claims other than the property damage claim, unless by the written terms of a properly executed settlement agreement it is specifically stated that the acceptance of said settlement constitutes full settlement of all claims and causes of action arising out of the said motor vehicle collision or accident."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967, and shall apply to claims and causes of action arising after said date.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 327 CHAPTER 663

AN ACT RELATING TO THE ELECTION OF THE TOWN COUNCILMEN OF THE TOWN OF COLUMBUS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the regular municipal election of members of the Town Council of the Town of Columbus in Polk County in 1969 there shall be elected three councilmen. The elected councilman receiving the highest number of votes shall serve for a term of four years and until his successor is duly elected and qualified. The other two elected councilmen shall serve for terms of two years each and until their successors are duly elected and qualified. At the regular municipal election of the Town of Columbus in 1971, and biennially thereafter, only two councilmen shall be elected. In each such election the elected councilman receiving the highest number of votes shall serve for a term of four years and the elected councilman receiving the lowest number of votes shall serve for a term of two years.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 329

CHAPTER 664

AN ACT RELATING TO THE TITLE TO THE LAND TO BE BUILT UP AND CONSTRUCTED AS A RESULT OF CERTAIN EROSION CONTROL WORK, IN THE SEVERAL MUNICIPALITIES AND COUNTIES OF NORTH CAROLINA BOUNDED IN PART BY THE ATLANTIC OCEAN.

WHEREAS, during the course of many years, in the several municipalities and counties of North Carolina, bounded in part by the Atlantic Ocean, much of the land abutting and fronting on the Atlantic Ocean in the said municipalities and counties, formerly belonging to various property owners, has been, and is now being, washed away by successive storms, tides, and winds; and

WHEREAS, the said municipalities and counties, separately or jointly, with aid from the State of North Carolina, the United States Government, and the Federal Agencies thereunder, and with their own funds, have made available, or will make available, from time to time, funds with which to control the erosion caused by the said tides and winds, and other causes; and to that end the said counties, and the said municipalities, located therein, separately or jointly, have entered into a contract in the future to place sand by hydraulic pumping, or by other means, from the waters, or from other sources within the nearby or immediate area, onto the seaward side of the said municipalities and counties, or certain designated parts thereof; and as a result thereof, there has been, is now, or will be made and constructed new lands on the ocean front of the said municipality, municipalities, county or counties, which may or will change the ordinary and usual watermark or the waters of the Atlantic Ocean along the seaward boundary of the said municipalities and counties, and when the project or projects are terminated, the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the municipalities and the counties of North Carolina bounded in whole or in part by the Atlantic Ocean, as well as the State of North Carolina, to fix and define the title to such new land, and to fix and determine its use, and to further define the littoral rights of the property owners abutting on the ocean front which will be added or taken by and through the making of such new made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That all land filled in, restored, and made, and to be filled in, restored and made, as the result of the recitals in the preamble to this Act, which will exist between the present seaward property line of the land or lot owners bordering on said ocean and the low watermark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the municipalities or counties, or both, of North Carolina bounded in whole or in part by the Atlantic Ocean, and so much of said lands so filled in, restored, and made which will lie "inland" of the "building line" or "project protection line," determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon,

and the balance of said land lying "seaward" of said "building line," to be fixed and determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the respective municipalities or counties, or both, wherein the land lies; provided, however, that no building or structure shall be built and erected on said made and built up land lying "seaward" of the "building line," to be defined and set out in Section 2 of this Act, and provided further, that all made and constructed land lying "seaward" of the "building line" shall be at all times kept open for the use of the public, as the governing authorities of the municipalities or counties, or both, wherein the land lies, by ordinance shall determine; and provided, however, no streets or highways shall be constructed parallel to the ocean on said built up land, and provided further, that if any such property as is hereby granted and conveyed to the said respective municipalities and counties, or both, shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina; and provided further, that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.

Sec. 2. Prior to the initiation of said work to be carried on by the said municipality, municipalities, county, counties, or both, and referred to in the preamble hereof, the said municipality, municipalities, county, counties, separately or jointly, shall, at their own cost, survey or have surveyed by a competent engineer or engineers a line to be known as the "building line," and which shall constitute and define the "building line" referred to in Section 1 of this Act, and which shall run the full length of the beach with the municipal or county limits, or both, or parts thereof, that will be duly designated by the governing body or bodies; and after the "building line" shall have been surveyed and fixed and determined, the said authorities of each of the said municipality, municipalities, county or counties, or both, shall immediately cause to be perpared a map showing, fixing, and determining the "building line," which map so prepared shall be immediately recorded in the office of the register of deeds of the county wherein the land lies, in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine the "building line" referred to in Section 1 of this Act.

Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the municipality or county, or both, as the case may be, wherein the land lies, or assert such claims by filing notice thereof with the governing body of the said municipality or county wherein the land lies, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six months

after the "building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title, or interest in and to the territory immediately affected by and through or as a result of the doing of act or acts or things herein mentioned, and shall be forever barred from maintaining any action for redress upon such claim.

Sec. 4. For the purposes of this Act, the terms "project protection line," as defined in Article 3 of Chapter 104B of the North Carolina General Statutes, and "building line," as used in Chapter 246 of the 1939 Session Laws and Chapter 511 of the 1963 Session Laws, are used herein interchangeably and are in accord as to definition.

Sec. 5. The governing bodies of these municipalities and counties bounded in part by the Atlantic Ocean, are hereby empowered to adopt and enforce such regulations as they may deem appropriate, to enforce the provisions of this Act. Each municipality and county may act separately or jointly of any and all other municipalities and counties which are bounded in part by the Atlantic Ocean.

Sec. 6. This Act shall apply to Brunswick County and the municipalities located therein, New Hanover County and the Town of Kure Beach.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed, except Chapter 246, 1939 Session Laws, and Chapter 511, 1963 Session Laws.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 348 CHAPTER 665

AN ACT TO AMEND CHAPTER 291 OF THE PRIVATE LAWS OF 1909 AND CHAPTER 388 OF THE SESSION LAWS OF 1953 CHANGING THE STYLE OF THE NAME, CHANGING THE DESIGNATION AND FIXING THE SALARY OF THE GOVERNING BOARD AND RELATING TO THE ELECTION OF THE MAYOR AND THE GOVERNING BOARD OF THE TOWN OF MARION IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 291 of the Private Laws of 1909, being the Charter of the Town of Marion, is hereby amended by striking out the words "Town of Marion" wherever they appear in said Act and substituting in lieu thereof the words "City of Marion". From and after the ratification of this Act the style of the name of the Town of Marion shall be changed to the City of Marion.

Sec. 2. Section 3 of Chapter 291 of the Private Laws of 1909 is hereby amended by striking out the word "aldermen" as the same appears in line 2 and substituting in lieu thereof the word "councilmen". From and after the ratification of this Act the governing body of the City of Marion

shall be designated as the City Council and the members thereof shall be designated councilmen.

Sec. 3. Section 7 of Chapter 291 of the Private Laws of 1909 is hereby further amended by adding at the end of said Section immediately following the period a new sentence which shall read as follows: "Councilmen shall be paid for their services in an amount not to exceed twenty-five dollars ($25.00) per month."

Sec. 4. Chapter 291 of the Private Laws of 1909 is hereby further amended by striking out all of Section 10, as the same appears in said Act and substituting in lieu thereof a new Section 10, which shall read as follows:

"Sec. 10. Beginning at the regular municipal election to be held on Tuesday after the first Monday in May 1969 and biennially thereafter the Mayor and members of the City Council shall be elected for four-year terms or until their successors are elected and qualified. Provided, that at the regular municipal election to be held in May 1969 the three candidates for the City Council receiving the highest number of votes shall be elected for a term of four years and the other two candidates elected as councilmen shall serve for a term of two years. Thereafter, all councilmen shall be elected to serve four-year terms."

Sec. 5. Section 2 of Chapter 388 of the Session Laws of 1953 is hereby amended by striking out the word "tenth" immediately following the word "the" and immediately preceding the word "day" as the same appears in the third line of said Section and substituting in lieu thereof the word and figures "thirtieth (30th)". The requirements of this Section shall be applicable to the regular municipal election to be held in the City of Marion in May 1969 and biennially thereafter.

Sec. 6. The regular municipal election to be held in May 1969 and biennially thereafter in the City of Marion shall be governed by the laws of North Carolina applicable to municipal elections except as otherwise provided by this Act and the requirements of Chapter 388 of the Session Laws of 1953 as amended by this Act.

Sec. 7. All laws and clauses of laws in direct conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 374 **CHAPTER 666**

AN ACT TO PROVIDE FOR THE ELECTION OF THE MONROE CITY SCHOOL BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Monroe City School Board of Education shall consist of seven members who shall be elected as herein provided. The terms of office of James Huntley, J. C. Plyler, Ralph Owen and A. J. Helmes, members of the present Monroe City School Board, which expire on December 2, 1968, are hereby extended to July 1, 1969. The terms of office of Fred Parker, Bill McInnis and Jack Hernig, members of the present

Monroe City School Board, which expire on December 7, 1970, are hereby extended to July 1, 1971.

Sec. 2. On the third Saturday in February, 1969, the Monroe City School Board of Education may hold and conduct an election under the rules and regulations provided by the general election laws of the State for four members of the Monroe City School Board who shall serve for terms of four years each. All persons elected as members of said Board shall serve until their successors are elected and qualified and shall be elected thereafter as their terms of office expire.

Sec. 3. The Monroe City School Board of Education may appoint all necessary election officials, establish precincts, prepare and establish registration records and do any and all things necessary for the conduct of said election which could be done and performed by a county board of elections under the general election laws as contained in Chapter 163 of the General Statutes. In lieu of conducting its own election for the members of the Monroe City School Board of Education, the said Monroe City School Board of Education may contract with and may authorize the Board of Elections of Union County to conduct said election for the members of its Board of Education and may adopt and use the election officials of the county, the county's registration books and may prepare any additional registration that may be necessary by reason of the boundaries of the Monroe City Administrative Unit. The Monroe City Board of Education is authorized to pay all necessary expenses and charges for the conduct of said election whether same is conducted by the Board of Elections of Union County or by the Monroe City Board of Education.

Sec. 4. All candidates shall file for office by 6:00 p.m. on or before the sixth Saturday before the date on which the election is to be held and each candidate shall pay a filing fee of five dollars ($5.00). Such filing shall be with the Clerk of the City of Monroe. The names of all persons filing for membership on the Monroe City School Board of Education shall be placed on a ballot without party designation and said election shall be on a nonpartisan basis.

Sec. 5. In the election held in 1969, the four persons receiving the highest number of votes shall be declared elected and no person shall be entitled to call for a second election. All persons elected at the election held in 1969 shall take office on July 1, 1969 and shall serve for terms of four years or until their successors are elected and qualified.

Sec. 6. On the third Saturday in February, 1971, there shall be held an election for three members of the Monroe City School Board of Education. Said election shall be conducted as herein provided for the election of members to said Board to be held in 1969. All persons elected at the election held in 1971 shall take office on July 1, 1971 and shall serve for terms of four years or until their successors are elected and qualified.

Sec. 7. Biennially after February, 1971, there shall be held an election for the four or three vacancies, as the case may be, occurring on said Board. All persons elected shall serve for terms of four years or until their successors are elected and qualified. The elections shall be conducted as herein provided for the election to be held in 1969. Persons so elected shall take office on July 1 of the year in which elected.

Sec. 8. Any vacancy occurring on the present Monroe City School Board of Education, or on any subsequent Board, by death, resignation, or otherwise, including removal from the City Administrative Unit, shall be filled by the remaining members of the Board and the person so chosen shall fill and serve out the unexpired term and until his successor shall be elected and qualified.

Sec. 9. The members of the Monroe City School Board shall elect one of its members as chairman who shall serve for a term of two years. The chairman shall be elected at the first meeting held in July following the election of members to the Monroe City School Board beginning with the first meeting held after July 1, 1969.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 375 CHAPTER 667

AN ACT TO AMEND G. S. 153-48.5 RELATING TO THE POWERS OF BOARDS OF COUNTY COMMISSIONERS SO AS TO MAKE SAID ACT APPLICABLE TO SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-48.5 is amended by inserting in line 8 thereof after the word "Surry" in line 7 and before the word "Transylvania" in line 8, the word "Swain".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 396 CHAPTER 668

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY TO FIX FEES CHARGED BY COUNTY OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. The second paragraph of subsection (12a) of G. S. 153-9 is hereby amended by inserting in line three following the comma after the word "Cherokee" and preceding the word "Columbus" the word and punctuation "Cleveland,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 469 **CHAPTER 669**

AN ACT TO AMEND G. S. 97-86 REGARDING APPEALS FROM THE NORTH CAROLINA INDUSTRIAL COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-86 is hereby rewritten to read as follows:

"§ 97-86. Award Conclusive as to Facts; Appeal; Certified Questions of Law. The award of the Industrial Commission, as provided in § 97-84, if not reviewed in due time, or an award of the Commission upon such review, as provided in § 97-85, shall be conclusive and binding as to all questions of fact; but either party to the dispute may, within 30 days from the date of such award or within 30 days after receipt of notice to be sent by registered mail or certified mail of such award, but not thereafter, appeal from the decision of said Commission to the Court of Appeals for errors of law under the same terms and conditions as govern appeals from the Superior Court to the Court of Appeals in ordinary civil actions. The appellant shall cause to be prepared a statement of the case as required by the rules of the Court of Appeals. A copy of this statement shall be served on the respondent within 45 days from the entry of the appeal taken; within 20 days after such service, the respondent shall return the copy with his approval or specified amendments endorsed or attached; if the case be approved by the respondent, it shall be filed with the clerk of the Court of Appeals as a part of the record; if not returned with objections within the time prescribed, it shall be deemed approved. The Chairman of the Industrial Commission shall have the power, in the exercise of his discretion, to enlarge the time in which to serve statement of case on appeal and exceptions thereto or counterstatement of case.

If the case on appeal is returned by the respondent with objections as prescribed, or if a countercase is served on appellant, the appellant shall immediately request the Chairman of the Industrial Commission to fix a time and place for settling the case before him. If the appellant delays longer than 15 days after the respondent serves his countercase or exceptions to request the Chairman to settle the case on appeal, and delays for such period to mail the case and countercase or exceptions to the Chairman, then the exceptions filed by the respondent shall be allowed, or the countercase served by him shall constitute the case on appeal; but the time may be extended by agreement of counsel.

The Chairman shall forthwith notify the attorneys of the parties to appear before him for the purpose at a certain time and place, which time shall not be more than 20 days from the receipt of the request. At the time and place stated, the Chairman of the Industrial Commission shall settle and sign the case and deliver a copy to the attorneys of each party. The appellant shall within five days thereafter file it with the clerk of the Court of Appeals, and if he fails to do so the respondent may file his copy.

The Industrial Commission of its own motion may certify questions of law to the Court of Appeals for decision and determination by said Court. In case of an appeal from the decision of the Commission, or of a certification by said Commission of questions of law, to the Court of Appeals, said appeal or certification shall operate as a supersedeas, and no

employer shall be required to make payment of the award involved in said appeal or certification until the questions at issue therein shall have been fully determined in accordance with the provisions of this Article. If the employer is a noninsurer, then the appeal of such employer shall not act as a supersedeas and the plaintiff in such case shall have the same right to issue execution or to satisfy the award from the property of the employer pending the appeal as obtains to the successful party in an action in the Superior Court."

Sec. 2. All laws and clauses of laws in conflict with the Act are hereby repealed.

Sec. 3. This Act shall become effective on October 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 494 CHAPTER 670

AN ACT TO FIX THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS AND OF THE COUNTY ATTORNEY OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That on and after July 1, 1967, each member of the board of commissioners of Cherokee County, except the chairman, shall receive as full compensation for his services the sum of twelve hundred dollars ($1200.00) per year, and the chairman shall receive the sum of eighteen hundred dollars ($1800.00) per year, said salaries to be paid in equal monthly installments from the general fund of Cherokee County.

Sec. 2. That on and after July 1, 1967, the county attorney of Cherokee County shall receive as full compensation for his services the sum of twenty-four hundred dollars ($2400.00) per year, to be paid in equal monthly installments from the general fund of Cherokee County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall apply only to Cherokee County.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 526 CHAPTER 671

AN ACT AUTHORIZING THE ESTABLISHMENT OF A TOWN LIQUOR CONTROL STORE IN THE TOWN OF CANTON, HAYWOOD COUNTY, UPON A VOTE OF THE PEOPLE, AND PROVIDING FOR THE ALLOCATION OF NET PROCEEDS FROM THE OPERATION OF SUCH STORE.

The General Assembly of North Carolina do enact:

Section 1. The Municipal Board of Elections of the Town of Canton shall, upon a petition to said Board signed by at least fifteen per cent (15%) of the registered and qualified voters who voted in the most recent municipal election of the Town of Canton, or upon the written request of

the Mayor and Board of Aldermen of the Town of Canton, order an election to be held on the question of whether or not Town Alcoholic Beverage Control stores may be operated in the Town of Canton. If a majority of the votes cast in said election shall be for the operation of such a store, it shall be legal for a liquor control store to be set up and operated in said Town; but if a majority of the votes cast in said election shall be against the operation of a Town liquor control store, no such store shall be set up or operated in said Town under provisions of this Act.

Sec. 2. In calling for such special liquor election, the said Board shall give at least 30 days' public notice of the same prior to the opening of the registration books, and said registration books shall remain open for the same period of time before such special liquor election as is required by law for them to remain open for a regular municipal election. A new registration of voters for such special liquor election shall not be necessary and all qualified electors who are properly registered prior to registration for the special election and those who register in said special liquor election shall be entitled to vote in said election. In said election, a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Town Liquor Control Store", "Against Town Liquor Control Store". Those favoring setting up and operating a liquor store in the Town of Canton shall mark in the voting square to the left of the words "For Town Liquor Control Store", printed on the ballot; and those opposed to a Town liquor control store shall mark in the voting space to the left of the words "Against Town Liquor Control Store." Except as otherwise herein provided, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to municipal elections in the Town of Canton.

Sec. 3. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Town Liquor Control Store", the Town liquor control board shall within three months from the canvassing of such votes and the declaration of the result thereof, close said store and shall thereafter cease to operate the same and within said three months the Town control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the Town Treasurer. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within said Town of Canton, in force and effect prior to the authorization to operate a Town liquor store, shall be in full force and effect the same as if such election had not been held until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For Town Liquor Control Store". No election shall be called and held in the Town of Canton under the provisions of this Act within two years from the holding of the last election thereunder. It shall be the duty of the Board of Aldermen of the Town of Canton to order the special liquor election herein authorized within 60 days after a sufficient petition has been filed requesting the same. But no election under this Act shall be held on the day of any biennial county, or Town of Canton general election or primary election, or within 30 days of any such election.

Sec. 4. If the operation of a Town liquor control store is authorized under the provisions of this Act, the Board of Aldermen of the Town of Canton shall immediately create a Town Board of Alcoholic Control to be composed of a chairman and two other members who shall be well known for their character, ability, and business acumen. Said Board shall be known and designated as "The Town of Canton Board of Alcoholic Control". The chairman of said Board shall be designated by the governing body of the Town and shall serve for his first term a period of three years, and one member shall serve for his first term a period of two years, and the other member shall serve for a period of one year; and all terms shall begin with the date of their appointment, and after the said term shall have expired, their successors in office shall serve for a period of three years. Their successors, or any vacancy occurring in the Board, shall be named or filled by the governing body of the Town.

Sec. 5. The Town of Canton Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in Section 18-39 of the General Statutes. Provided, G. S. 18-45 (15) shall not apply to the Town board of alcoholic control. The Town of Canton Board of Alcoholic Control and the operation of any Town liquor store authorized under the provisions of this Act shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes, except to the extent which the same may be in conflict with the provisions of this Act. Wherever the word "county" board of alcoholic control appears in said Article, it shall include Town of Canton Board of Alcoholic Control.

Sec. 6. After deducting from the gross revenues the amount required to pay all salaries and operating expenses, and after retaining a sufficient and proper working capital, the amount to be determined by the Board, the Town of Canton Board of Alcoholic Control shall allocate and disburse, as determined by quarterly audit, the net profits as hereinafter provided:

A. Ten per cent (10%) to be used by the Town Board of Alcoholic Control for law enforcement. Any alcoholic beverage control law enforcement officers appointed by the Town of Canton shall have county-wide jurisdiction, and the same powers and authority within the county as other peace officers.

B. Five per cent (5%) to be used by the Town Board of Alcoholic Control, in its discretion, for education as to the effects of the use of alcoholic beverages and for rehabilitation of alcoholics.

C. The remaining net profits shall be distributed as follows:

(1) Sixty-four per cent (64%) to the General Fund of the Town of Canton, to be used for any public or governmental purposes for which it is authorized to expend tax or nontax revenues.

(2) Thirty-six per cent (36%) to the General Fund of Haywood County, one half of which shall be allocated to the Board of Education of Haywood County for school purposes, and one half which may be used by the County for any public or governmental purposes for which the County is authorized to expend tax or nontax revenues.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 558 CHAPTER 672

AN ACT TO AMEND CHAPTER 341, SESSION LAWS OF 1967, RELATING TO LIQUOR STORES IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 341, Session Laws of 1967, is hereby amended by adding a proviso at the end thereof, as follows: "Provided, that no member of the present Board of Alcoholic Control shall be eligible for reappointment for a period of four years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 318 CHAPTER 673

AN ACT TO REPEAL CHAPTER 484 OF THE SESSION LAWS OF 1965 RELATING TO DELINQUENT TAXES IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 484 of the Session Laws of 1965 relating to delinquent taxes in Macon County is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 333 CHAPTER 674

AN ACT TO SAFEGUARD OPERATORS AND PASSENGERS OF MOTORCYCLES BY REQUIRING THE WEARING OF SAFETY HELMETS AND PROTECTIVE EYE SHIELDS, REQUIRING REAR VIEW MIRRORS AND BY LIMITING NUMBER OF PASSENGERS PERMITTED.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 20-140.2, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby rewritten to read as follows:

"(b) No motorcycle shall be operated upon the streets and highways of this State unless the operator and all passengers thereon wear safety

helmets of a type approved by the Commissioner of Motor Vehicles. No person shall operate a motorcycle upon the streets and highways of this State when the number of persons upon such motorcycle, including the operator, shall exceed the number of persons for which it was designed to carry. Violation of any provision of this subsection shall not be considered negligence per se or contributory negligence per se in any civil action."

Sec. 2. G. S. 20-126, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding a new subsection (c) to read as follows:

"(c) No person shall operate a motorcycle upon the streets or highways of this State unless such motorcycle is equipped with a rear view mirror so mounted as to provide the operater with a clear, undistorted and unobstructed view of at least 200 feet to the rear of the motorcycle. No motorcycle shall be registered in this State after January 1, 1968 unless such motorcycle is equipped with a rear view mirror as described in this Section. Violation of the provisions of this subsection shall not be considered negligence per se or contributory negligence per se in any civil action."

Sec. 3. Subsection (b) of G. S. 20-176, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting between the figures "20-134" and "20-142" appearing in line 11 the figures "20-140.2".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 704 CHAPTER 675

AN ACT TO FIX THE SALARY OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF BELMONT.

The General Assembly of North Carolina do enact:

Section 1. The salary of the members of the City Council of the City of Belmont shall be six hundred dollars ($600.00) per year.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 720 CHAPTER 676

AN ACT AMENDING G. S. 152-5 RELATING TO FEES OF CORONERS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 152-5 of the General Statutes of North Carolina is amended by increasing the amount allowed in paragraph 2 for inquest

over a dead body to ten dollars ($10.00) and by increasing the amount for each additional day to ten dollars ($10.00).

Sec. 2. This Act shall apply only to Rowan County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 721 CHAPTER 677

AN ACT TO INCREASE THE SALARY OF CERTAIN ELECTED OFFICIALS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the following elected officials of Rowan County shall be as follows:

Sheriff	$8,800.00
Auditor	$8,500.00
Clerk of Superior Court	$8,400.00
Judge of County Court	$8,400.00
Solicitor of County Court	$7,200.00
Register of Deeds	$8,400.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 761 CHAPTER 678

AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Wilmington, as the same appears in Section 1, Chapter 1046, Session Laws of 1963, is hereby amended by adding the following two Sections to Article XXIV, which is entitled "COMMUNITY PLANNING AND DEVELOPMENT COMMISSION":

"Sec. 24.6. Joint Planning Board. In lieu of a Community Planning and Development Commission the governing body of the City of Wilmington may enter into agreements with the governing body of any other city, town or county for the establishment of a joint planning board.

"The joint planning board shall be established in accordance with General Statutes of North Carolina Chapter 160, Sections 22 through 24.

"An ordinance and resolution passed by the governing bodies which are to be members of a joint planning board shall establish: the name of the joint planning board; duties; qualification for membership; term of office; organization; officers; rules; meeting times; and other details necessary to fulfill its duties.

"Sec. 24.7. Meetings to be Public. Any and all meetings of the Planning and Development Commission or any Joint Planning Board established pursuant to the authority granted herein shall be open to the general public and no executive or secret sessions shall be permitted at any time."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 763 CHAPTER 679

AN ACT AMENDING CHAPTER 527, 1951 SESSION LAWS, RELATING TO THE FEES OF THE REGISTER OF DEEDS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 527 of the 1951 Session Laws is amended by striking from line 15 thereof the figure "$2.00" and substituting in lieu thereof "$5.00"; by striking from line 17 thereof the figure "75¢" and substituting in lieu thereof "$1.00"; by striking from line 20 thereof the figure "25¢" and substituting in lieu thereof "$1.00"; by striking from line 18 thereof the figure "75¢" and substituting in lieu thereof "$1.00"; and by striking at the end of said Section 1 the period (.) and adding the following: "; certified copy of death certificate $1.00."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 802 CHAPTER 680

AN ACT TO AMEND CHAPTER 2 OF THE PRIVATE LAWS OF 1925 RELATING TO SALARIES OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina do enact:

Section 1. Section 2.1 of the Private Laws of 1925, as enacted by Chapter 1122 of the Session Laws of 1957, is hereby rewritten to read as follows:

"Sec. 2.1. The Mayor of the Town of Forest City shall receive as compensation the sum of one hundred dollars ($100.00) per month. Each member of the Board of Commissioners of the Town of Forest City shall receive as compensation the sum of fifty dollars ($50.00) per month."

Sec. 2. The compensation payable in accordance with Section 1 of this Act shall be retroactive to May 1, 1967.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. Subject to the provisions of Section 2 hereof, the Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 862 CHAPTER 681

AN ACT TO AMEND CHAPTER 837, SESSION LAWS OF 1955, RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 837, Session Laws of 1955, is hereby amended by deleting the words and figures "sixty dollars ($60.00)" in line 2 and inserting in lieu thereof the words and figures "one hundred twenty-five dollars ($125.00)", and said Section is further amended by deleting the words and figures "fifty dollars ($50.00)" in line 4 and inserting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Sec. 2. Each member of the Board of County Commissioners of Lincoln County shall be paid in addition to the sum set forth in Section 1 the sum of twenty-five dollars ($25.00) per day while engaged in the duties of their office outside of Lincoln County and shall be entitled to a mileage allowance which rate shall be uniform and which rate shall not be more than seven cents (7¢) per mile of actual travel.

Sec. 3. The provisions of Chapter 517 of the 1959 Session Laws as amended by Chapter 448 of the 1965 Session Laws are hereby repealed.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 880 CHAPTER 682

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of Yadkin County is hereby authorized, in its discretion, to fix the salary of the chairman of the board in an amount not to exceed seventy-five dollars ($75.00) per month, and to pay the chairman a travel and expense allowance not to exceed twenty-five dollars ($25.00) per month for necessary travel and expenses incurred in the performance of his official duties in Yadkin County. The Board of Commissioners of Yadkin County may, and is hereby authorized, in its discretion and in addition to the above compensation, reimburse the chairman of the board of commissioners for necessary travel and expenses incurred in the performance of his official duties outside the county.

Sec. 2. The Board of Commissioners of Yadkin County is hereby authorized, in its discretion, to fix the salary of the members of the board

of commissioners in an amount not to exceed seventy-five dollars ($75.00) per month for each member, and to reimburse each member for the necessary travel and expenses incurred in the performance of official duties outside Yadkin County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 942 CHAPTER 683

AN ACT RELATING TO THE COMPENSATION OF THE BOARD OF COUNTY COMMISSIONERS OF SCOTLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman of the Board of County Commissioners of Scotland County shall be paid thirty-five dollars ($35.00) and each other member of said Board shall be paid twenty-five dollars ($25.00) for each regular monthly meeting of said Board, and the Chairman of said Board shall be paid twenty-five dollars ($25.00) and each other member of said Board shall be paid ten dollars ($10.00) each for each called meeting of said Board.

Sec. 2. All payments heretofore made to the Chairman and other members of said Board of County Commissioners of Scotland County in accordance with the above schedule set out in Section 1 are hereby ratified and validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 945 CHAPTER 684

AN ACT TO AMEND G. S. 148-33.1 RELATING TO PRISONERS WITH WORK RELEASE PRIVILEGES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 148-33.1, subsection (f), as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is amended by rewriting the second sentence to read as follows: "After deducting from the earnings of each prisoner an amount determined to be the cost of the prisoner's keep, the Prison Department shall retain to his credit such amount as seems necessary to accumulate a reasonable sum to be paid to him when he is paroled or discharged from prison, and shall make such disbursements from any balance of his earnings as may be found necessary by the Department for the following purposes, considered in a priority order as stated: (1) to pay travel and other expenses of the

prisoner made necessary by his employment; (2) to provide a reasonable allowance to the prisoner for his incidental personal expenses; (3) to make payments for the support of the prisoner's dependents in accordance with an order of a court of competent jurisdiction, or in the absence of a court order, in accordance with a determination of dependency status and need made by the local department of public welfare in the county of North Carolina in which such dependents reside; (4) to comply with an order from any court of competent jurisdiction regarding the payment of an obligation of the prisoner in connection with any case before such court. In addition, the Prison Department in its discretion may grant a request made in writing by the prisoners for a withdrawal for any other purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 1059 CHAPTER 685

AN ACT TO AMEND G. S. 160-181.2 RELATING TO EXTRATERRITORIAL ZONING JURISDICTION SO AS TO MAKE THE SAME APPLICABLE TO GLEN ALPINE IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-181.2 is hereby amended by striking out the period at the end of said Section, inserting a comma in lieu thereof, and adding the words "or to the Town of Glen Alpine in Burke County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 1099 CHAPTER 686

AN ACT RELATING TO THE FUNDS OF THE BRUNSWICK COUNTY PEACE OFFICERS' RELIEF ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. All funds in the hands of the Brunswick County Peace Officers' Relief Association shall be transferred and paid into the General Fund of Brunswick County, and they may be expended for any proper county public purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 1118 **CHAPTER 687**

AN ACT TO VALIDATE CERTAIN ACTS OF W. C. CRAVEN OF RANDOLPH COUNTY, PERFORMED IN HIS CAPACITY OF JUSTICE OF THE PEACE.

WHEREAS, W. C. Craven, of Randolph County, performed marriages and other official acts as Justice of the Peace after having accepted another public office; and

WHEREAS, under the Constitution of North Carolina there is some question as to the validity of said acts: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All official acts performed by W. C. Craven as a Justice of the Peace from the 25th day of March, 1961, until the 22nd day of May, 1967, are hereby declared to have the same force and effect his said official acts as a Justice of the Peace would have had if he had not accepted another public office while serving as a Justice of the Peace, provided, however, that this Act shall not apply to pending litigation.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 1123 **CHAPTER 688**

AN ACT TO AMEND G. S. 163-175, RELATING TO THE METHOD OF MAKING BALLOTS IN MUNICIPAL ELECTIONS IN THE TOWN OF EUREKA IN WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175 of Volume 3D (Replacement 1964) is amended by adding at the end thereof the following:

"The provisions of paragraph (6) of this Section shall apply to the general municipal elections in the Town of Eureka in Wayne County."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

H. B. 1124 **CHAPTER 689**

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EUREKA IN WAYNE COUNTY FOR THE PURPOSE OF PROVIDING COMPENSATION FOR THE MEMBERS OF THE BOARD OF COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 90 of the Private Laws of 1879, as amended, the same being the Charter of the Town of Eureka in Wayne County, is

hereby amended by renumbering Section 5 so that the same shall be designated as Section 6.

Further amend said Charter of the Town of Eureka in Wayne County, as above designated, by adding a new Section 5, which shall read as follows:

"Sec. 5. Each member of the Board of Commissioners of the Town of Eureka shall receive an annual salary of thirty dollars ($30.00) to be paid in such installments as the Board of Commissioners may from time to time determine. The Mayor of the Town of Eureka shall receive an annual salary of one hundred twenty dollars ($120.00), to be paid in such installments as the Board may from time to time determine."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 2nd day of June, 1967.

S. B. 239

CHAPTER 690

AN ACT TO PRESCRIBE CERTAIN RIGHTS OF INDIVIDUALS RELATIVE TO OBTAINING FOOT CARE FROM PRACTITIONERS OF PODIATRY LICENSED BY THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 57, Section 1 of the General Statutes of North Carolina is amended by adding the following sentence to the third paragraph of G. S. 57-1:

"The term 'medical services plan' also includes the contracting for the payment of fees toward, or furnishing of, professional medical services authorized or permitted to be furnished by a duly licensed provider of health services licensed under Chapter 90 of the General Statutes."

Sec. 2. Chapter 58, Article 27, Section 260 of the General Statutes of North Carolina, is hereby amended by inserting after the word "optometrist" in line 3 of the second paragraph the words:

", or a duly licensed podiatrist,"

and by inserting in line 6 of paragraph 2 after the word "optometrist" the words:

", or a duly licensed podiatrist,".

Sec. 3. Chapter 90 of the General Statutes of North Carolina is hereby amended by adding a new Section immediately following G. S. 90-202 to be numbered G. S. 90-202.1 and to read as follows:

"G. S. 90-202.1. Free Choice by Patient Guaranteed. No agency of the State, county or municipality, nor any commission or clinic, nor any board administering relief, social security, health insurance or health service under the laws of the State of North Carolina shall deny to the recipients or beneficiaries of their aid or services the freedom to choose the provider of care or service which are within the scope of practice of a duly licensed podiatrist or duly licensed physician as defined in this Chapter."

Sec. 4. Nothing in this Act shall be construed to equate podiatrists with physicians except to the extent that each must be duly licensed.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 292 CHAPTER 691

AN ACT TO MAKE CERTAIN SUPPLEMENTARY, CLARIFYING AND TECHNICAL AMENDMENTS TO THE "JUDICIAL DEPARTMENT ACT OF 1965" (GENERAL STATUTES, CHAPTER 7A) AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-39.1, as it appears in the 1965 Supplement to Volume 1B of the General Statutes, is renumbered 7A-42.

Sec. 2. G. S. 7A-43.1 is amended by deleting the last sentence thereof.

Sec. 3. G. S. 7A-43.2 is hereby rewritten to read as follows:

"G. S. 7A-43.2. Assistant Solicitors. (a) With the approval of the Administrative Officer of the Courts, the solicitor may appoint one or more full-time assistant solicitors, each to serve at the pleasure of the solicitor. The salary for a full-time assistant solicitor shall be fixed by the Administrative Officer of the Courts, but shall not exceed that of a District Court prosecutor.

(b) With the approval of the Administrative Officer of the Courts, a solicitor may appoint for part-time service one or more qualified attorneys to assist in the prosecution of the criminal dockets of his district when:

(1) criminal cases accumulate on the dockets of the district beyond the capacity of the solicitor and his full-time assistants, if any, to keep the dockets reasonably current; or

(2) the prosecution of criminal cases in a specific location in the district would be better served.

Attorneys appointed under the authority of this subsection shall receive thirty-five dollars ($35.00) per diem for each day, not in excess of five days per week, they serve as assistant prosecutors, and they shall serve for such time as may be authorized by the Administrative Officer of the Courts.

(c) An assistant solicitor appointed under this Section is entitled to reimbursement for travel and subsistence expenses when engaged on official business outside his county of residence at the rate applicable to State employees generally."

Sec. 4. G. S. 7A-43.3 is amended by deleting the last sentence thereof, and by rewriting the first sentence thereof to read as follows: "Notwithstanding the provisions of G. S. 7A-43.2, the board of commissioners of any county may, in its discretion, authorize the solicitor to appoint a competent attorney to assist him in the prosecution of the criminal docket of the Superior Court of the county."

Sec. 5. G. S. 7A-101 is amended by rewriting the last sentence to read as follows: "The salary set forth in this Section shall constitute

the clerk's sole compensation, and he shall receive no fees, commissions, or other compensation by virtue of his office, except as provided in subsection (b) of this Section"; by renumbering the present Section as subsection "(a)"; and by adding a new subsection "(b)," to read as follows:

"(b) For the fiscal year beginning July 1, 1967, and annually thereafter, the Administrative Officer of the Courts may, in his discretion, authorize an increase in the annual salary of any clerk of the Superior Court in an amount not to exceed ten per cent (10%) of the salary set forth in subsection (a). In no event, however, shall the increase or increases cause the salary of any clerk to exceed the salary set out in subsection (a) for the next higher population group. Salary increases for any clerk in the population group of 250,000 and above shall not exceed ten per cent (10%) of the salary set out in subsection (a) for that group.

An increase in the salary of the clerk shall be based on a finding by the Administrative Officer of the Courts of one or more of the following:

(1) the records and reports of the clerk meet high standards of completeness, accuracy, and timeliness, and the operations of the clerk's office are discharged with exceptional efficiency and economy; or

(2) the responsibilities of the clerk, due to rapid population growth or rapid increase in judicial business, have increased above the average for clerks in his salary grouping.

The decision of the Administrative Officer of the Courts under this subsection shall be final. This subsection shall not apply to a clerk who has served less than one year in office."

Sec. 6. G. S. 7A-104 is repealed, and a new Section 7A-104, with different subject matter, is inserted in its place, as follows:

"G. S. 7A-104. Suspension, Removal, Reinstatement of Clerk. A clerk of Superior Court may be suspended or removed from office, and reinstated, for the same causes and under the same procedures as are applicable to a District Court Judge, except that the procedure shall be initiated by the filing of a sworn affidavit with the chief District Judge of the district in which the clerk resides. If suspension is ordered, the senior Regular Resident Superior Court Judge shall appoint some qualified person to act as clerk during the period of the suspension."

Sec. 7. G. S. 7A-105 is rewritten to read as follows:

"G. S. 7A-105. Bonds of Clerks, Assistant and Deputy Clerks, and Employees of Office. The Administrative Officer of the Courts may require, or purchase, in such amounts as he deems proper, individual or blanket bonds for any and all clerks of Superior Court, assistant clerks, deputy clerks, and other persons employed in the offices of the various clerks of Superior Court, or one blanket bond covering all such clerks and other persons, such bond or bonds to be conditioned upon faithful performance of duty, and made payable to the State. The premiums shall be paid by the State."

Sec. 8. G. S. 7A-133 is amended by deleting the chart therein, and inserting in lieu thereof the following chart:

District	Judges	Full-time Asst. Pros.	County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
1	2	0	Camden	1	2	
			Chowan	2	3	
			Currituck	1	2	
			Dare	2	3	
			Gates	2	3	
			Pasquotank	3	4	
			Perquimans	2	3	
2	2	0	Martin	3	4	
			Beaufort	3	4	
			Tyrrell	1	2	
			Hyde	2	3	
			Washington	3	4	
3	4	1	Craven	5	7	
			Pitt	8	10	Farmville Ayden
			Pamlico	2	3	
			Carteret	4	5	
4	4	1	Sampson	5	7	
			Duplin	6	8	
			Jones	2	3	
			Onslow	5	7	
5	3	0	New Hanover	6	8	
			Pender	4	6	
6	3	0	Northampton	5	6	Roanoke Rapids
			Halifax	7	9	
			Bertie	4	5	
			Hertford	5	6	
7	4	1	Nash	7	9	Rocky Mount
			Edgecombe	4	6	Rocky Mount
			Wilson	4	6	
8	4	1	Wayne	5	7	Mount Olive
			Greene	2	3	
			Lenoir	4	6	
9	3	0	Person	3	4	
			Granville	3	4	
			Vance	3	4	
			Warren	3	4	
			Franklin	3	4	

District	Judges	Full-time Asst. Pros.	County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
10	5	2	Wake	12	16	Apex Wendell Fuquay-Varina
11	4	1	Harnett	5	7	Dunn
			Johnston	8	10	Benson and Selma
			Lee	3	5	
12	4	2	Cumberland	10	15	
			Hoke	2	3	
13	2	0	Bladen	4	6	
			Brunswick	4	6	Shallotte
			Columbus	6	8	Tabor City
14	3	0	Durham	6	8	
15	4	1	Alamance	7	9	Burlington
			Chatham	3	4	Siler City
			Orange	4	6	Chapel Hill
16	3	1	Robeson	8	12	Fairmont Maxton Red Springs Rowland St. Pauls
			Scotland	2	3	
18	6	3	Guilford	15	20	High Point
20	4	1	Stanly	4	5	
			Union	4	6	
			Anson	3	4	
			Richmond	4	5	
			Moore	4	5	Southern Pines
21	5	2	Forsyth	10	15	Kernersville
24	2	0	Avery	2	3	
			Madison	3	4	
			Mitchell	3	4	
			Watauga	3	4	
			Yancey	2	3	
25	3	1	Burke	4	6	Hickory
			Caldwell	4	6	
			Catawba	6	9	
26	6	3	Mecklenburg	15	25	

District	Judges	Full-time Asst. Pros.	County	Magistrates Min.	Magistrates Max.	Additional Seats of Court
27	5	1	Cleveland	5	8	
			Gaston	10	18	
			Lincoln	3	5	
29	3	1	Henderson	4	6	
			McDowell	3	4	
			Polk	2	3	
			Rutherford	6	8	
			Transylvania	2	3	
30	2	0	Cherokee	2	3	
			Clay	1	2	
			Graham	2	3	
			Haywood	4	6	Canton
			Jackson	2	3	
			Macon	2	3	
			Swain	2	3	

Sec. 9. G. S. 7A-134 is amended in line 2 by striking the figure "100,000", and inserting in lieu thereof, the figure "85,000".

Sec. 10. G. S. 7A-144 is rewritten to read as follows:

"G. S. 7A-144. Compensation. Each Judge shall receive the annual salary provided in the Budget Appropriations Act, and reimbursement on the same basis as State employees generally, for his necessary travel and subsistence expenses."

Sec. 11. G. S. 7A-148 is amended by designating the present Section as subsection "(a)", and by adding the following subsection "(b)":

"(b) The chief District Judges shall prescribe a multicopy uniform traffic ticket and complaint for exclusive use in each county of the State not later than December 31, 1970."

Sec. 12. G. S. 7A-161 is rewritten to read as follows: "Each District Court prosecutor shall receive the annual salary provided in the Budget Appropriations Act, and reimbursement, on the same basis as State employees generally, for his necessary travel and subsistence expenses."

Sec. 13. G. S. 7A-164 is amended by rewriting the fourth sentence thereof to read as follows: "He shall receive the annual salary provided in the Budget Appropriations Act, and reimbursement, on the same basis as State employees generally, for his necessary travel and subsistence expenses."

Sec. 14. G. S. 7A-165 is amended by rewriting the last paragraph thereof to read as follows: "Attorneys designated under the authority of this Section shall receive thirty-five dollars ($35.00) per diem for each day, not in excess of five days per week, they serve as assistant prosecutors, and they shall serve for such time as may be authorized by the Administrative Officer of the Courts. Assistant prosecutors shall also receive reimbursement for travel and subsistence expenses on the same basis as State employees generally."

Sec. 15. G. S. 7A-171 is amended in the following particulars:

(1) The third sentence of subsection (b) is rewritten to read as follows: "Not later than the first Monday in October of each even-numbered year, the clerk of Superior Court shall submit to the senior Regular Resident Superior Court Judge of his district the names of two (or more, if requested by the Judge) nominees for each magisterial office in the minimum quota established for the county, specifying as to each nominee the salary level for which nominated."

(2) The third sentence of subsection (c) is rewritten to read as follows: "Within 15 days after the receipt of this certification the clerk of Superior Court shall submit to the senior Regular Resident Superior Court Judge of his district the names of two (or more, if requested by the Judge) nominees for each additional magisterial office, specifying as to each nominee the salary level for which nominated."

(3) The second sentence of subsection (d) is rewritten to read as follows: "Whether the magistrate in whose office a vacancy occurs was appointed to fill the minimum quota or as an additional appointment, the clerk of the Superior Court shall within 30 days after such vacancy occurs submit to the senior Regular Resident Superior Court Judge the names of two (or more, if requested by the Judge) nominees for the office vacated, and at the same salary level."

Sec. 16. G. S. 7A-180 is amended by deleting the citation "G. S. 2-42" in line six of subparagraph (3) thereof, and inserting in lieu thereof the word "law"; by deleting the word "and" between subparagraphs (6) and (7); by renumbering subparagraph (7) as subparagraph (8); and inserting a new subparagraph (7) to read as follows:

"(7) Has the power, in traffic cases, upon waiver of a preliminary examination, to set bail, in accordance with a bail schedule furnished by the chief District Judge; and".

Sec. 17. G. S. 7A-181 is amended by deleting the word "and" in line four; by changing the period at the end of the Section to a semicolon, and adding the word "and"; and by adding a new subparagraph "(3)" to read as follows: "(3) Have the same power as the clerk of Superior Court, with respect to traffic cases in which a preliminary examination is waived, to set bail."

Sec. 18. G. S. 7A-182 is amended by numbering the present Section as subsection "(a)", and adding a subsection "(b)" to read as follows:

"(b) If an additional seat of a District Court is designated for any municipality located in more than one county of a district, the clerical functions for that seat of court shall be provided by the clerks of Superior Court of the contiguous counties, in accordance with standing rules issued by the chief District Judge, after consultation with the clerks concerned and a committee of the district bar appointed for this purpose."

Sec. 19. Following G. S. 7A-198, a new Section is inserted to read as follows:

"G. S. 7A-199. Special Venue Rule When District Court Sits Without Jury in Seat of Court Lying in More Than One County; Where Judgments Recorded. (a) In any non-jury civil action or juvenile matter properly pending in the District Court division, regularly assigned for a hearing

or trial before a District Judge at a seat of the District Court in a municipality the corporate limits of which extend into two or more contiguous counties, venue is properly laid for such trial or hearing if by statute or common law it is properly laid in any of the contiguous counties.

(b) In any jury civil action regularly assigned for a hearing or trial before a District Judge at a seat of the District Court in a municipality the corporate limits of which extend into two or more contiguous counties, venue is properly laid for such jury trial if by statute or common law it is properly laid in any of the contiguous counties; provided, however, any such action shall be instituted in the county of proper venue, and the jurors summoned shall be from the county where such action was instituted. Notwithstanding the fact that the place of trial within such municipality is in a different county from the county where such action was commenced, the sheriff of the county where such action was commenced is authorized to summon the jurors to appear at such place of trial. Such jurors shall be subject to the same challenge as other jurors, except challenges for nonresidence in the county of trial.

(c) A District Court Judge sitting at a seat of court described in this Section may, in criminal cases, conduct preliminary hearings and try misdemeanors arising within the corporate limits of the municipality plus the territory embraced within a distance of one mile in all directions therefrom.

(d) The judgment or order rendered in any civil action or juvenile matter heard or tried under the authority of this Section shall be recorded in the county where the action was commenced. The judgment or finding of probable cause or other determination in any criminal action heard or tried under the authority of this Section shall be recorded in the county where the offense was committed."

Sec. 20. G. S. 7A-218 is amended by deleting the last sentence.

Sec. 21. G. S. 7A-223 is amended by rewriting the second sentence to read as follows: "In such event, the clerk withdraws assignment of the action from the magistrate and immediately gives written notice of withdrawal, by any convenient means, to the plaintiff and the magistrate to whom the action has been assigned."

Sec. 22. G. S. 7A-255 is amended in line six, by deleting the words "throughout the State," and inserting in lieu thereof, the words, "as general process of the State".

Sec. 23. G. S. 7A-259 is redesignated subsection "(a)", and subsection "(b)" is added, to read as follows: "(b) When a District Court is established in a district, any Superior Court Judge authorized to hear and determine motions to transfer may, on his own motion, subject to the requirements of subsection (a), transfer to the District Court cases pending in the Superior Court."

Sec. 24. G. S. 7A-271 is redesignated subsection "(a)" and subsection "(b)" is added, to read as follows: "(b) When a District Court is established in a district, any Superior Court Judge presiding over a criminal session of court shall order transferred to the District Court any pending misdemeanor which does not fall within the provisions of subsection (a), and which is not pending in the Superior Court on appeal from a lower court."

Sec. 25. G. S. 7A-292 is amended by deleting the word "and" at the end of subparagraph (4); by renumbering subparagraph (5) as subparagraph (14); and by inserting new subparagraphs (5) through (13), to read as follows:

"(5) To take affidavits for the verification of pleadings;

(6) To appoint assessors to allot property for homestead and personal property exemptions, as provided in G. S. 1-386;

(7) To issue writs of habeas corpus ad testificandum, as provided in G. S. 17-41;

(8) To assign a year's allowance to the surviving spouse and a child's allowance to the children as provided in Chapter 30, Article 4, of the General Statutes;

(9) To take acknowledgments of instruments, as provided in G. S. 47-1;

(10) To perform the marriage ceremony, as provided in G. S. 51-1;

(11) To take acknowledgment of a written contract or separation agreement between husband and wife, and to make a private examination of the wife, as provided in G. S. 52-6;

(12) To conduct proceedings for the valuation of a division fence, as provided in G. S. 68-10;

(13) To assess contribution for damages or for work done on a dam, canal, or ditch, as provided in G. S. 156-15; and".

Sec. 26. Following G. S. 7A-292, a new Section is inserted, to read as follows:

"G. S. 7A-293. Special Authority of a Magistrate Assigned to a Municipality Located in More Than One County of a District Court District. A magistrate assigned to an incorporated municipality, the boundaries of which lie in more than one county of a District Court district, may, in criminal matters, exercise the powers granted by G. S. 7A-273 as if the corporate limits plus the territory embraced within a distance of one mile in all directions therefrom were located wholly within the magistrate's county of residence. Appeals from a magistrate exercising the authority granted by this Section shall be taken in the District Court in the county in which the offense was committed. A magistrate exercising the special authority granted by this Section shall transmit all records, reports, and monies collected to the clerk of the Superior Court of the county in which the offense was committed."

Sec. 27. G. S. 7A-304(a) is amended in that the introductory words before the colon in line four are rewritten to read as follows: "In every criminal case in the Superior or District Court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed, except that when the judgment imposes an active prison sentence, costs shall be assessed only when the judgment specifically so provides:".

Sec. 28. G. S. 7A-304 is amended by rewriting the last sentence of subparagraph (a)(2) to read as follows: "In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding

indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a District Court is established in such county, or to supplement the operations of the General Court of Justice in the county."

Sec. 29. G. S. 7A-304 is further amended by adding a new subsection at the end thereof, to read as follows:

"(d) In any criminal case in which the liability for costs, fines, restitution, or any other lawful charge has been finally determined, the partial payment of the same has been made to the clerk of Superior Court, and no additional payments have been made for a period of 12 months, and, in the opinion of the clerk, further payments are unlikely, the clerk shall disburse the partial payment in accordance with the following priorities:

(1) costs due the State, with the Law Enforcement Officers' Benefit and Relief Fund last;

(2) the facilities fee;

(3) the arrest fee;

(4) any other charge due the county or city, with the county first;

(5) fines to the county school fund;

(6) sums in restitution, prorated among the persons entitled thereto.

Partial payments made pursuant to court order for the purchase of savings bonds or for deposit in savings accounts are excepted from the provisions of this subsection."

Sec. 30. G. S. 7A-305 is amended, in line four of subparagraph (a)(2), by deleting the words "less than" and inserting in lieu thereof the words "does not exceed"; and by inserting a new subparagraph (d)(8), to read as follows: "(8) Fees of interpreters, when authorized and approved by the court."

Sec. 31. G. S. 7A-307(c) is amended by deleting the word "article" in line one, and inserting in lieu thereof the word "Section".

Sec. 32. G. S. 7A-308(a) is rewritten to read as follows:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of Superior Court and remitted to the State for the support of the General Court of Justice:

(1)	Foreclosure under power of sale in deed of trust or mortgage	$10.00
(2)	Inventory of safe deposits of a decedent	5.00
(3)	Proceeding supplemental to execution	5.00
(4)	Confession of judgment	4.00
(5)	Taking a deposition	3.00
(6)	Execution	2.00
(7)	Notice of resumption of maiden name	2.00
(8)	Taking an acknowledgment or administering an oath, or both, with or without seal, each certificate	1.00
(9)	Bond, taking justification or approving	1.00
(10)	Certificate, under seal	1.00
(11)	Recording or docketing (including indexing) any document, per page or fraction thereof, excluding welfare liens	1.00

(12) Preparation of copies, including transcripts, per page or fraction thereof 1.00
(13) Substitution of trustee in deed of trust 1.00
(14) Probate of any instrument 0.50

(15) On all funds placed with the clerk by virtue of his office, to be administered by him according to the provisions of G. S. 2-53 or G. S. 28-68, a three per cent (3%) commission. On all funds placed with the clerk by virtue of his office and invested by him, a three per cent (3%) commission on the first one thousand dollars ($1,000.00), and a one per cent (1%) commission on all funds above one thousand dollars ($1,000.00)."

Sec. 33. G. S. 7A-308(b) is amended by deleting the word "article" in lines one and four, and inserting in lieu thereof the word "Section".

Sec. 34. G. S. 7A-311(a)(1) is hereby amended by rewriting the second sentence to read as follows: "When two or more items of civil process are served simultaneously on one party, only one two-dollar ($2.00) fee shall be charged."

Sec. 35. G. S. 7A-317 and 7A-318 are renumbered G. S. 7A-318 and 7A-319, respectively, and a new Section 7A-317 is inserted after G. S. 7A-316, to read as follows:

"G. S. 7A-317. Counties and Municipalities Not Required to Advance Certain Fees. Counties and municipalities are not required to advance costs for the facilities fee, the General Court of Justice fee, the miscellaneous fees enumerated in G. S. 7A-308, or the civil process fees enumerated in G. S. 7A-311."

Sec. 36. G. S. 7A-341 is amended by rewriting the second sentence thereof to read as follows: "He shall receive the annual salary provided in the Budget Appropriations Act, payable monthly, and reimbursement for travel and subsistence expenses at the same rate as State employees generally."

Sec. 37. G. S. 7A-342 is amended by rewriting the second sentence thereof to read as follows: "The assistant director shall receive the annual salary provided in the Budget Appropriations Act, payable monthly, and reimbursement for travel and subsistence expenses at the same rate as State employees generally"; and by deleting, in paragraph two, the words ", subject to the provisions of the State Personnel Act,".

Sec. 38. G. S. 2-3 and G. S. 2-4 are amended by adding the following sentence at the end of each Section: "This Section is inapplicable in any county in which a District Court has been established."

Sec. 39. G. S. 2-42 is amended by deleting subparagraphs (27), (28), (29), and (30).

Sec. 40. G. S. 7-42 is hereby rewritten to read as follows:

"G. S. 7-42. Salary and Expenses of Superior Court Judge. A Judge of the Superior Court shall receive the annual salary set forth in the Budget Appropriations Act, and in addition shall be allowed thirty-five hundred dollars ($3,500.00) per year, payable monthly, in lieu of necessary travel and subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties."

Sec. 41. G. S. 20-42(b) is amended by adding the following sentence at the end thereof: "The Department shall furnish certified copies of any record required to be kept by the Department to State, county, municipal and court officials of the State for official use only, without charge."

Sec. 42. G. S. 90-12 is amended by deleting the last sentence.

Sec. 43. G. S. 90-115 is amended in line three by deleting the words "and filed the same, or a certified copy thereof, with the clerk of superior court of his residence,".

Sec. 44. G. S. 90-120 is amended to read as follows:

"G. S. 90-120. Certified Copy. Upon the request of any person entitled to a certificate of registration the Board shall issue a certified copy thereof, and the Board shall be entitled to a fee of one dollar ($1.00) for the issuance of a certified copy."

Sec. 45. G. S. 90-197 is amended in line three by deleting the words "and cause the name of the holder to be stricken from the book of the registration by the clerk of the court in the city or county in which the name of the person whose certificate is revoked is registered,".

Sec. 46. G. S. 90-210.1 is amended by rewriting the first sentence to read as follows: "All persons receiving a license as an embalmer under the provisions of this Article shall register the fact at the office of the board of health of the city or county in which it is proposed to carry on said practice and shall display said license in a conspicuous place in the office of such licentiate."

Sec. 47. G. S. 90-210.12 is amended by rewriting the first sentence to read as follows: "All persons receiving a license as a funeral director under the provisions of this Article shall register the fact at the office of the board of health of the city or county in which it is proposed to carry on said practice and shall display said license in a conspicuous place in the office of such licentiate."

Sec. 48. G. S. 90-210.17 is amended in line three of subparagraph (d) by deleting the words "and where there is no board of health, with the clerk of the Superior Court in the county in which the establishment is located,".

Sec. 49. G. S. 90-243 is amended to read as follows:

"G. S. 90-243. Certified Copy. Upon the request of any person to whom a certificate has been issued the Board shall issue a certified copy thereof. The Board shall be entitled to a fee of one dollar ($1.00) for the issuance of a certified copy."

Sec. 50. G. S. 105-93 is amended by adding the following subsection at the end thereof: "(g) This Section shall not apply in any county in which the District Court has been established."

Sec. 51. G. S. 114-2(1) is amended, in line one, by deleting the words "Supreme Court," and inserting in lieu thereof, the words "Appellate Division".

Sec. 52. G. S. 143-166 is amended by rewriting the last sentence of the first paragraph of subsection (a) to read as follows: "The local custodian of such costs shall monthly transmit such moneys to the State Treasurer, with a statement of the case in which the same has been collected, except that the requirement to submit a statement of the case

does not apply in District Court counties. The costs assessed under this Article shall not apply to violations of municipal ordinances, unless a warrant is actually issued and served. A county or municipality shall pay no part of the costs or assessments."

Sec. 53. G. S. 147-36(4) is rewritten to read as follows: "To distribute annually the statutes and the legislative journals;".

Sec. 54. G. S. 147-45 is amended by rewriting so much of the first sentence as appears before the chart to read as follows:

"G. S. 147-45. Distribution of Copies of State Publications. The Secretary of State (and the Administrative Officer of the Courts, with respect to Supreme Court Reports) shall, at the State's expense, as soon as possible after publication, distribute such number of copies of the Session Laws, and Senate and House Journals, to federal, State and local governmental officials, departments and agencies, and to educational institutions for instructional and exchange use, as is set out in the table below:".

Sec. 55. G. S. 147-48 is rewritten to read as follows:

"G. S. 147-48. Sale of Laws and Journals. Such Laws and Journals as may be printed in excess of the number directed to be distributed, the Secretary of State may sell at such price as he deems reasonable, not exceeding cost plus ten per cent (10%). The Secretary may allow the regular licensed book-sellers in this State a discount on Laws and Journals not exceeding twelve and one-half per cent (12½%). All proceeds received from sales made pursuant to this Section shall be paid into the State treasury."

Sec. 56. G. S. 147-49 is rewritten to read as follows:

"G. S. 147-49. Disposition of Damaged and Unsaleable Publications. The Secretary of State is hereby authorized and empowered to dispose of damaged and unsaleable House and Senate Journals and Public Laws of various years at a price to be determined by the Secretary of State."

Sec. 57. Section 7A-6 of Chapter 108, Session Laws of 1967, ratified on March 29, 1967, is amended by inserting the following sentences between the first and second sentences of subsection (b) thereof: "He shall select a printer for the reports and prescribe such contract terms as will insure issuance of the reports as soon as practicable after a sufficient number of opinions are filed. He shall make such contract after consultation with the Division of Purchase and Contract and comparison of prices for similar work in other states to such an extent as may be practicable."

Sec. 58. Partial Invalidity. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 59. G. S. Chapter 7, Article 14A, Articles 32 through 35A, G. S. 7-92.4, 83-14, 90-17, 90-19, 90-20, 90-135, 90-152, 90-196, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 60. Except as otherwise provided in this Act, this Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 380 **CHAPTER 692**

AN ACT TO AMEND THE SAFETY EQUIPMENT INSPECTION MOTOR VEHICLES ACT (G. S. 20-183.2) SO AS TO PROVIDE FOR ANNUAL INSPECTION WITHOUT REFERENCE TO REGISTRATION NUMERALS WITHIN ONE YEAR OF THE LAST INSPECTION; TO PROVIDE FOR INSPECTION OF MOTOR VEHICLES ACQUIRED OUT OF STATE BUT REGISTERED OR REQUIRED TO BE REGISTERED IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-183.2, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by rewriting to read as follows:

"G. S. 20-183.2. Safety Equipment Inspection Required; Inspection Certificate. (a) Every motor vehicle, trailer, semi-trailer, and pole trailer not including trailers of a gross weight of 2500 pounds or less and house trailers, registered or required to be registered in North Carolina when operated on the streets and highways of this State must display a current approved inspection certificate at such place on the vehicle as may be designated by the commissioner, indicating that it has been inspected in accordance with this Act. Such motor vehicle shall thereafter be inspected and display a current inspection certificate as is required by subsection (b) hereof.

(b) Every inspection certificate issued under this part shall be valid for not less than 12 months and shall expire at midnight on the last day of the month designated on said inspection certificate. It shall be unlawful to operate any motor vehicle on the highway until there is displayed thereon a current inspection certificate as provided by this part, indicating that the vehicle has been inspected within the previous 12 months and has been found to comply with the standard for safety equipment prescribed by this chapter subject to the following provisions:

(1) Vehicles of a type required to be inspected under paragraph (a), which are owned by a resident of this State, that have been outside of North Carolina continuously for a period of 30 days, or more, immediately preceding the expiration of the then current inspection certificate shall within 10 days of re-entry to the State be inspected and have an approved certificate attached thereto if vehicle is to continue operation on the streets and highways.

(2) Any vehicle owned or possessed by a dealer, manufacturer or transporter within this State and operated over the public streets and highways displaying thereon a dealer demonstration, manufacturer or transporter plate must have affixed to the windshield thereof a valid certificate of inspection and approval, except a dealer, manufacturer or transporter or his agent may operate a motor vehicle displaying dealer demonstration, manufacturer or transporter plates from source of purchase to his place of business or to an inspection station, provided it is within 10 days of purchase, foreclosure or repossession.

(3) Vehicles acquired by residents of this State from dealers or owners located outside of the State must, upon entry to this State, be inspected

and approved, certificate attached, within 10 days after the vehicle becomes subject to registration.

(4) Vehicles acquired by residents within this State, not displaying current North Carolina inspection certificates, must be inspected and have approved inspection certificate attached within 10 days from date registration plate issued or if registration plate is to be transferred, within 10 days of the date of purchase.

(5) Owners of motor vehicles moving their residence to North Carolina from other states must within 10 days from the date the vehicles are subject to registration have same inspected and have an approved certificate attached thereto.

(c) On and after February 16, 1966 all motor vehicle dealers in North Carolina shall, prior to retail sale of any new or used motor vehicle, have such motor vehicle inspected by an approved inspection station as required by this part.

(d) When a motor vehicle required to be inspected under this part shall, upon inspection, fail to meet the safety requirements of this part, the safety equipment inspection station making such inspection, shall issue an authorized receipt for such vehicle indicating that it has been inspected and shall enumerate the defects found. The owner or operator may have such defects corrected at such place as he or she chooses. The vehicle may be reinspected at the safety equipment inspection station, first making the inspection, without additional charge, or the owner or operator may have same inspected at another safety equipment station upon payment of a new inspection fee."

Sec. 2. The second paragraph of G. S. 20-183.4 is hereby amended by rewriting the same to read as follows:

"Any person, firm or agency meeting the above requirements and desiring to be licensed as a motor vehicle inspection station may apply to the Commissioner of Motor Vehicles on forms provided by the commissioner. The commissioner shall cause an investigation to be made as to the applicant's qualifications, and if, in the opinion of the commissioner, the applicant fulfills such qualifications, he shall issue a certificate of appointment to such person, firm or agency as a safety equipment inspection station. Such appointment shall be issued without charge and shall be effective until cancelled by request of licensee or until revoked or suspended by the commissioner. Any licensee whose license has been revoked or suspended or any applicant whose application has been refused, may, within 10 days from the notice of such revocation, suspension or refusal, request a hearing before the commissioner and, in such cases, the hearing shall be conducted within 10 days of receipt of request for such hearing. The commissioner, following such hearing, may rescind the order of suspension, revocation or the refusal to issue license, or he may affirm the previous order of revocation, suspension or refusal. Any applicant or licensee aggrieved by the decision of the commissioner may, following such decision, file a petition in the Superior Court of Wake County or in the county wherein applicant or licensee resides. Such petition shall recite the fact that the administrative remedy, as provided above, has been exhausted. Provided, that no restraining order shall issue against the

Department of Motor Vehicles under this Section until and unless the Department shall have had at least five days' notice of the petitioner's intention to seek such restraining order."

Sec. 3. G. S. 20-183.8 is hereby amended by adding immediately after the present paragraph (b) a new paragraph to be designated as paragraph (c), reading as follows:

"(c) No person shall display or cause to be displayed or permit to be displayed upon any motor vehicle any safety inspection certificate, knowing the same to be fictitious or to be issued for another motor vehicle or to be issued without inspection and approval having been made. The Department is hereby authorized to take immediate possession of any safety inspection certificate which is fictitious or which has been otherwise unlawfully or erroneously issued or which has been unlawfully used. Any person violating the provisions of this subsection shall be guilty of a misdemeanor punishable by fine not to exceed fifty dollars ($50.00) or imprisonment not to exceed 30 days."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 403 CHAPTER 693

AN ACT TO AMEND G. S. 48-4 (c) TO REDUCE THE PERIOD OF RESIDENCE REQUIRED THEREIN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 48-4 (c), as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by deleting the words "one year" in the third line thereof and substituting therefor the words "six months".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 416 CHAPTER 694

AN ACT TO PROVIDE FOR INSTRUCTION IN DRIVER TRAINING AND SAFETY EDUCATION IN THE PRIVATE SCHOOLS OF THE STATE AND TO PERMIT 16-18 YEAR OLD GRADUATES OF SUCH COURSES TO APPLY FOR A MOTOR VEHICLE OPERATOR'S LICENSE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 20-11, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding the following language at the end thereof:

"or upon having satisfactorily completed a course of driving instruction offered at a licensed commercial driver training school or an approved non-

public secondary school, provided instruction offered in such schools shall be approved by the State Commissioner of Motor Vehicles and the State Superintendent of Public Instruction and all expenses for such instruction shall be paid by the persons enrolling in such courses and/or by the schools offering them."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 453 CHAPTER 695

AN ACT TO PROVIDE A COPY OF THE SESSION LAWS TO THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

The General Assembly of North Carolina do enact:

Section 1. General Statute 147-45 is hereby amended by adding in the table contained in said Section, under the heading "State Departments and Officials:", a new line to read as follows:

"State Soil and Water Conservation Committee. . . . 1 0 0"

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 523 CHAPTER 696

AN ACT TO AMEND CHAPTER 184, SESSION LAWS OF 1957, RELATING TO COUNTY LIBRARY TAX IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 184, Session Laws of 1957, is hereby amended by deleting from line 5 the words and figures "three cents (3¢)", and inserting in lieu thereof the words and figures "ten cents (10¢)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of June, 1967.

S. B. 544 CHAPTER 697

AN ACT RELATIVE TO THE TERM OF OFFICE OF SUPERINTENDENTS OF COUNTY AND CITY PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-39 (1966 Replacement Volume) is hereby amended by:

(a) Inserting between the words "biennially" and "thereafter" in line 4 the words "or quadrennially".

(b) Inserting between the words "two" and "years" in line 10 the words "or four".

(c) Inserting a new sentence after the word "qualified" in line 11 to read as follows:

"The superintendent shall be elected for a term of either two or four years, which term shall be in the discretion of the county board of education."

(d) Rewriting the last paragraph to read as follows: "In all city administrative units, the superintendent of schools shall be elected by the city board of education of such unit, to serve for a period of either two or four years, which term of office shall be within the discretion of the board; and the qualifications, provisions and approval shall be the same as for county superintendents. The election shall be held biennially or quadrennially, as the case may be, during the month of April."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 547 CHAPTER 698

AN ACT TO AUTHORIZE THE CITY OF MONROE TO CONVEY REAL ESTATE TO THE COUNTY OF UNION.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Monroe is hereby empowered and authorized to convey to the County of Union at public or private sale, with or without consideration, any real estate which is now or hereafter owned by the city, to be used for the purpose of constructing thereon any city or county governmental building or buildings.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 93 CHAPTER 699

AN ACT AMENDING G. S. 105-446 IN ORDER TO PROVIDE THAT APPLICATIONS FOR REIMBURSEMENT OF FUEL TAX SHALL BE ON A CALENDAR YEAR BASIS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-446 is hereby amended by striking out the first sentence of subparagraph (1) thereof and substituting in lieu thereof the following sentence: "On or before April 15, 1968, application for reimbursement as provided in this Section on taxes paid under this article for

the period from July 1, 1967, through December 31, 1967, and thereafter on or before April 15 of any subsequent year ending the preceding December 31, application for reimbursement as provided in this Section on taxes paid under this article for the preceding year shall be filed with the Commissioner of Revenue."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 421 CHAPTER 700

AN ACT TO PROVIDE FOR THE ISSUANCE BY THE DEPARTMENT OF MOTOR VEHICLES OF SPECIAL REGISTRATION PLATES TO MOTOR VEHICLE OWNERS WHO ARE MEMBERS OF THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-80 is hereby rewritten to read as follows:

"G. S. 20-80. National Guard Plates. The Commissioner shall cause to be made each year a sufficient number of automobile license plates to furnish each member of the North Carolina National Guard with one thereof, said license plates to be in the same form and character as other license plates now or hereafter authorized by law to be used upon private passenger vehicles registered in this State, except that such license plates shall bear on the face thereof the following words 'National Guard.' The said license plates shall be issued only to members of the North Carolina National Guard, and for which license plates the Commissioner shall collect fees in an amount equal to the fees collected for the licensing and registering of private vehicles. The Adjutant General of North Carolina shall furnish the Commissioner annually with an estimate of the number of such distinctive plates required. In addition, the Adjutant General of North Carolina shall furnish to the Commissioner each year, prior to the date that licenses are issued, a list of the officers of the North Carolina National Guard, which said list shall contain the rank of each officer listed in the order of his seniority in the North Carolina National Guard, and the said license plates to be set aside for officer personnel shall be numbered beginning with the number two hundred and one and in numerical sequence thereafter up to and including the number sixteen hundred, according to seniority, the senior officer being issued the license bearing the numerals two hundred and one. Enlisted personnel applying for such distinctive plates shall present to the Department of Motor Vehicles proof of membership in the North Carolina National Guard by means of certificate signed by the commanding officer of applicant on forms as may be agreed upon by the Adjutant General of North Carolina and the Department of Motor Vehicles. If a holder of such distinctive license plate shall be discharged from the North Carolina National Guard under other than honorable conditions, he shall within thirty days exchange such distinctive plate for a standard plate."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 427 CHAPTER 701

AN ACT TO AMEND G. S. 105-204, RELATING TO THE BENEFICIAL INTEREST IN FOREIGN TRUSTS, SO AS TO CLARIFY THE APPLICATION OF INTANGIBLE TAX TO THE INTEREST IN SUCH FOREIGN TRUSTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-204 is hereby amended by adding at the end thereof a new paragraph to read as follows:

"The value of the corpus of such trust, trust fund or trust account shall not be considered in computing taxable value hereunder, unless the person subject to the tax:

(1) Has the right to the present possession of an interest therein, and then only to the extent of the value of such present interest; or

(2) Has the present right to receive a part or all of the income realized from the corpus of such trust, and then only to the extent of the present value of such income interest; or

(3) Has created the trust and reserved for himself an income or reversionary or remainder interest therein, and then only to the extent of the present value of such interest."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. The provisions of this Act shall not be considered, one way or another, in determining the tax liability or the method of computing the tax liability of a taxpayer for any year prior to the effective date of this Act under the statute as then in effect.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 448 CHAPTER 702

AN ACT TO ESTABLISH A MINIMUM BALANCE OF INCOME TAX DUE TO BE PAID AND A MINIMUM AMOUNT OF INCOME TAX OVERPAYMENT TO BE REFUNDED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-157 is hereby amended by changing the period at the end of subsection (a) thereof to a semicolon and adding after the semicolon the following: "provided, that in the case of an individual, if after all credits allowed by this Article, the balance of tax due at the time of filing the return is less than one dollar ($1.00), payment of such balance need not be made."

Sec. 2. G. S. 105-163.16 is amended by striking from the fifth line of subsection (c) thereof the words and figures "fifty cents (50¢) or less" and substituting therefor "less than one dollar ($1.00)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective for income years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 451 CHAPTER 703

AN ACT TO AMEND G. S. 160-72 AND G. S. 160-163 TO REMOVE THE LIMITATIONS UPON LIBRARY AND RECREATION TAXES WHICH MAY BE LEVIED WITH VOTER APPROVAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-72, as the same appears in 1964 Replacement Volume 3D of the General Statutes, is hereby amended by changing the comma in the eighth line of the third paragraph thereof to a period and by striking out all of said paragraph following such period.

Sec. 2. G. S. 160-72, as the same appears in 1964 Replacement Volume 3D of the General Statutes, is further amended by striking out of the eighth and ninth lines of the fifth paragraph thereof the punctuation and words "within the limitations of this Section".

Sec. 3. G. S. 160-163, as the same appears in 1964 Replacement Volume 3D of the General Statutes, is hereby amended by rewriting subsection (2) thereof to read as follows:

"(2) Levy a special tax within such unit for providing, conducting, and maintaining a supervised recreation system; provided, that the maximum tax levy to be submitted to the voters shall be determined by the governing body if it submits the question without receipt of a petition pursuant to G. S. 160-159, or by the petition requesting such election."

Sec. 4. G. S. 160-163, as the same appears in the 1964 Replacement Volume 3D of the General Statutes, is further amended by adding at the end thereof a new paragraph to read as follows:

"In any unit in which a tax for recreation purposes has been voted under this Section, or under any other general, public-local, private, or special law, the governing body of such unit may on its own motion, and shall, upon receipt of a petition signed by at least fifteen per cent (15%) of the qualified and registered voters in the unit, submit to the voters of such unit the question of an increase or decrease of such tax. Such question shall be submitted to the voters in the manner provided by this Section."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 452 CHAPTER 704

AN ACT TO AUTHORIZE PAYMENT OF DELINQUENT MUNICIPAL TAXES TO THE GENERAL FUND.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Section, to be designated as G. S. 160-58.1, and to read as follows:

"G. S. 160-58.1. Delinquent Taxes. The governing body of any municipality may, in its discretion, direct the payment into the general fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the second fiscal year following the fiscal year for which they were levied."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 539 CHAPTER 705

AN ACT TO AMEND G. S. 105-391 SO AS TO CLARIFY THE PROCEDURE FOR DISPOSING OF SURPLUS FUNDS IN TAX FORECLOSURE SALES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 105-391 (s) be amended by adding a new sentence thereto, to follow the first sentence thereto, and to read as follows:

"If the clerk is in doubt as to who is entitled to the surplus, or if any adverse claims are asserted thereto, the clerk shall hold such surplus until rights thereto are established in a special proceeding pursuant to G. S. 1-339.71."

Sec. 2. That G. S. 1-339.71 (a) be amended by adding, in the third line thereof, following the reference to G. S. 1-339.70, the following: "or G. S. 105-391."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 656

CHAPTER 706

AN ACT TO PROVIDE THAT NO INTEREST OR PENALTY SHALL ACCRUE OR BE ASSESSED AS TO STATE TAXES OWED BY MEMBERS OF THE ARMED SERVICES DURING THE TIME IN WHICH THEY ARE SERVING IN A COMBAT ZONE.

The General Assembly of North Carolina do enact:

Section 1. Article 9 of Chapter 105 of the General Statutes is hereby amended by inserting a new Section immediately after the present Section 105-249.1 and immediately before the present Section 105-250, to be designated as "Section 105-249.2", and to read as follows:

"§ 105-249.2. State Taxes Owed by Members of Armed Forces; No Interest or Penalty to Accrue While in Combat Zone. Whenever any tax imposed by the State under the provisions of this Chapter is owed by any member of the Armed Forces of the United States who is serving in a combat zone, as the same is hereinafter defined, or who is hospitalized as a result of wounds, disease or injury incurred by serving in a combat zone during a period of induction, there shall be no interest or penalty assessed for taxes due during the period in which such member of the armed forces is in such combat zone, or is hospitalized as a result of wounds, disease or injury incurred while serving in such combat zone.

"Combat zone is hereby defined as an area which the President of the United States by executive order has designated as an area in which the Armed Forces of the United States are, or have been, engaged in combat. The provisions of this Section shall apply to any month or months during any part of which such member of the armed services served in a combat zone during an induction period; except that this Section shall not apply for any month during any part of which there was no combat activities in the combat zone."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective and shall apply to tax years on and after January 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 699

CHAPTER 707

AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO COOPERATE WITH COUNTIES IN ESTABLISHING AND OPERATING GARBAGE DISPOSAL FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. The State Highway Commission is authorized to cooperate with any county in establishing and operating garbage disposal facilities in areas outside of incorporated cities and towns under the provisions of Article 22 of Chapter 153 of the General Statutes or otherwise and may make available prison and other labor and the use of equipment for said purpose to any county and the said county shall reimburse the State Highway Commission for the cost to the Commission of said labor and

use and operation of said equipment. Before any work is undertaken under this Section, the Commission and the county for which the work is to be performed shall enter into an agreement specifying the work to be performed and the basis upon which reimbursement will be made to the State Highway Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 713 CHAPTER 708

AN ACT TO FIX THE SALARIES OF CERTAIN OFFICIALS OF ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salaries of the office of Clerk of the Superior Court, Sheriff, and Register of Deeds of Alexander County shall be as follows:

Clerk of Superior Court	$6,400.00
Sheriff	7,000.00
Register of Deeds	5,500.00

Sec. 2. The Commissioners of Alexander County shall fix the salary of the Assistant Clerk of Superior Court, and of the Deputy Register of Deeds, each in an annual amount not less than three thousand six hundred dollars ($3,600.00) and not more than four thousand dollars ($4,000.00).

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 859 CHAPTER 709

AN ACT TO AUTHORIZE THE BOARD OF ELECTIONS OF LINCOLN COUNTY TO INSTALL A FULL-TIME AND PERMANENT REGISTRATION WITH A MODERN LOOSE LEAF REGISTRATION SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The Board of Elections of Lincoln County is hereby authorized and directed to establish and install a full-time and permanent registration with a modern loose leaf registration system as provided in Chapter 163 of the General Statutes of North Carolina prior to the general county primary election in 1968. The Board of County Commissioners of Lincoln County shall appropriate sufficient funds to pay the cost and expense of establishing, installing and operating a modern loose leaf registration system with a full-time and permanent registration as provided herein.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 912 CHAPTER 710

AN ACT TO ALLOW PERMITS FOR THE OPERATION OF CERTAIN FARM EQUIPMENT ON THE HIGHWAYS TO BE ISSUED ON AN ANNUAL BASIS AND TO EXTEND THE DISTANCE OVER WHICH SUCH EQUIPMENT MAY BE OPERATED WITHOUT THE USE OF FLAGMEN FROM FOUR TO TEN MILES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (j) of G. S. 20-116, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the words "a seasonal basis" appearing in line 8 and inserting in lieu thereof the words "an annual basis and shall expire on January 1 of the year next following the year of issuance."

Sec. 2. Section (2) of subsection (j) of G. S. 20-116, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the word "four" appearing in line 7 and inserting in lieu thereof the word "ten".

Sec. 3. Section (3) of subsection (j) of G. S. 20-116, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the word "four" appearing in lines 3 and 11 and inserting in lieu thereof the word "ten" and by deleting the word "Saturdays" appearing in line 11 thereof.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 917 CHAPTER 711

AN ACT TO AMEND ARTICLE 34, CHAPTER 160 OF THE GENERAL STATUTES, BEING THE REVENUE BOND ACT OF ONE THOUSAND NINE HUNDRED THIRTY-EIGHT, SO AS TO AUTHORIZE THE SECURING OF FUNDS IN ADVANCE OF DELIVERY OF REVENUE BONDS SOLD TO THE UNITED STATES OF AMERICA AND TO AUTHORIZE ISSUANCE OF ONE BOND PAYABLE IN INSTALLMENTS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-416 of the General Statutes is hereby amended by adding the following at the end of said Section:

"At any time or from time to time prior to actual delivery of bonds sold to the United States of America, or to an agency thereof, the governing body may, by resolution adopted as hereinabove provided, authorize the borrowing of money from the United States of America, or from such agency, by execution of a request for advance of funds repayable from the sale proceeds of such bonds. The governing body shall cause a certified copy of each such resolution and a statement as to amount of advance made pursuant thereto, its date and interest rate, if any, to be filed with the Local Government Commission before said delivery, and the State Treasurer is hereby authorized to apply, at the time of delivery, proceeds from sale of the bonds to payment of the aggregate principal amount of all such advances and interest accrued thereon, if any."

Sec. 2. Section 160-417 of the General Statutes is hereby amended by changing the semicolon after the word "dates" in line three of said Section to a comma and inserting thereafter the following:

"or, in the case of a single registered bond, may be payable in installments;".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 930 CHAPTER 712

AN ACT TO AMEND G. S. 20-94 RELATING TO PARTIAL PAYMENT OF LICENSE TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-94 as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by adding the following at the end thereof, "any one owner whose gross license amounts to more than two hundred dollars ($200.00) but not more than four hundred dollars ($400.00) may also be permitted to sign a draft in accordance with the foregoing provisions of this Section provided such owner makes application for the draft on or before February 1st during the license renewal period."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 947 **CHAPTER 713**

AN ACT TO AMEND CHAPTER 87 OF THE SESSION LAWS OF 1961 RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL AND TO PROVIDE FOR THE OWNERSHIP AND OPERATION OF A PUBLIC TRANSPORTATION SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 87 of the Session Laws of 1961 entitle "An Act to Revise and Reorganize a Charter for the Town of Chapel Hill", is hereby amended by adding a new subchapter to Chapter VI following Subchapter C, to be designated Subchapter D, entitled "Public Transportation Systems", to read as follows:

"Subchapter D. Public Transportation Systems.

"Section 6.61. Ownership and Operation of a Public Transporation System.

"In addition to other powers conferred upon it by law and this Charter, the Board of Aldermen is authorized and empowered to acquire, establish, operate, maintain or franchise a public transportation system for the Town of Chapel Hill and enter into contracts and agreements with respect thereto with the University of North Carolina at Chapel Hill, and the Chapel Hill City Board of Education to operate such system as it deems advisable both within and without the town limits, and to provide for the financing thereof through the expenditure of public funds, the issuance of bonds, notes and other evidences of indebtedness as provided by law."

Sec. 2. All laws and clauses of laws that conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 1072 **CHAPTER 714**

AN ACT TO AMEND CHAPTER 9 OF THE GENERAL STATUTES, RELATING TO FEES OF JURORS IN THE SUPERIOR COURT IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-5, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding at the end thereof the following: "Provided, however, that in Pender County, all jurors in the Superior Court shall receive for their services a fee of no less than five dollars ($5.00) per day and no more than ten dollars ($10.00) per day, the fee to be set by the County Commissioners."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. B. 1115 **CHAPTER 715**

AN ACT AMENDING CHAPTER 1068, SESSION LAWS OF 1963 SO AS TO PROVIDE THAT THE SOLICITOR OF THE RECORDER'S COURT OF NEW HANOVER COUNTY MAY PRACTICE LAW.

The General Assembly of North Carolina do enact:

Section 1. Section 4.1 of Chapter 1068, Session Laws of 1963 is rewritten in its entirety to read as follows:

"Sec. 4.1. The Judge of New Hanover County Recorder's Court shall not practice law during his term of office, nor shall he, during such term be the partner or associate of any person engaged in the practice of law."

Sec. 2. Chapter 704, Session Laws of 1965, to the extent contrary to the provisions hereof, is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

S. B. 18 **CHAPTER 716**

AN ACT TO AMEND G. S. 105-141 AND G. S. 105-149 RELATING TO COMBAT PAY AND INCOME TAX EXEMPTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-141(b) is hereby amended by adding at the end thereof a new subdivision to be designated as subdivision (12) and reading as follows:

"(12) Compensation received for active service as a member of the Armed Forces of the United States below the grade of commissioned officer, and so much of the compensation of a commissioned officer in such Armed Forces as does not exceed five hundred dollars ($500.00), for any month during any part of which such member served in a combat zone during any induction period, or was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period, except that this subdivision shall not apply for any month during any part of which there are no combatant activities in the combat zone. For the purposes of this subdivision the term 'commissioned officer' does not include a warrant officer; the term 'combat zone' means an area which the President of the United States by executive order designates as an area in which Armed Forces of the United States are or have been engaged in combat; service is performed in a combat zone only if performed on or after the date designated by the President by executive order as the date of the commencing of combatant activities in such zone; the term 'compensation' does not include pension and retirement pay; and the term 'induction period' means any period during which individuals are liable for induction for training and service in the Armed Forces of the United States."

Sec. 2. G. S. 105-149(a) is hereby amended as follows:

(1) Striking from the first sentence of subdivision (5) "Three hundred dollars ($300.00)" and inserting in lieu thereof the following: "Six hundred dollars ($600.00)".

(2) Inserting between the first and second paragraphs of subdivision (5) the following: "An additional exemption of six hundred dollars ($600.00) for a dependent (as defined in this subdivision) who is a full-time student at an accredited college or university or other institution of higher learning under such rules or regulations as may be prescribed by the Commissioner of Revenue. For the purposes of this paragraph, the words 'full-time student' shall mean a dependent enrolled in full-time study on the last day of the income year or enrolled for full-time study for a period of at least five months (whether or not consecutive) during the income year."

(3) Striking from the last paragraph of subdivision (5) "three hundred dollar ($300.00)" and inserting in lieu thereof the following: "six hundred dollar ($600.00)".

(4) Adding at the end of subsection (a) a new subdivision to be designated as subdivision (9) reading as follows: "(9) In the case of an individual who has reached the age of 65 years on or before the last day of the taxable year, an exemption of one thousand dollars ($1,000.00) in addition to all other exemptions allowed by this Section."

Sec. 3. G. S. 105-163.1(3) is hereby amended by striking therefrom "three-hundred-dollar ($300.00)" and inserting in lieu thereof the following: "six hundred dollar ($600.00)".

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect for income years beginning on or after January 1, 1968.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 509 CHAPTER 717

AN ACT TO AMEND GS 9-4, RELATING TO THE DRAWING OF JURORS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 9-4, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by rewriting the fourth paragraph thereof to read as follows:

"In Cabarrus County, the Board of County Commissioners is hereby authorized to draw up to 48 jurors for each criminal or civil session of the Superior Court during the remainder of the year 1967."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 532 **CHAPTER 718**

AN ACT TO AMEND SECTIONS 131-126.33, 131-126.34, 131-126.36 AND 131-126.37 OF ARTICLE 13C OF CHAPTER 131 OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE THE ISSUANCE OF ADDITIONAL BONDS, LIMIT THE TIME WITHIN WHICH BONDS MAY BE ISSUED AND AUTHORIZE THE ISSUANCE OF BOND ANTICIPATION NOTES BY A HOSPITAL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section 131-126.33 of Article 13C of Chapter 131 of the General Statutes of North Carolina is hereby amended by adding the following paragraph at the end thereof:

"If, after any hospital district shall have been created as authorized by this article, a petition signed by at least 500 of the qualified voters residing in such hospital district shall be filed with the board of county commissioners of the county in which such hospital district is located representing that the issuance of additional bonds on behalf of such hospital district is necessary for any one or more of the purposes provided in this article, the board of county commissioners of the county shall order a special election to be held in such hospital district for the purpose of voting upon the question of issuing bonds for the purpose or purposes set forth in such petition and levying a sufficient tax for the payment thereof. The other provisions of this article relating to the ordering and holding of an election, giving of notice, and making, canvassing and passing upon the returns of such election, and relating to the determination, declaration and publication of the results of the election, and to the issuing of bonds, and levying taxes to pay the principal thereof and the interest thereon, shall be followed and shall apply to the issuance of such bonds as nearly as the same can be made adaptable and applicable thereto."

Sec. 2. Section 131-126.34 of Article 13C of said Chapter 131 is hereby amended by deleting the words "and/or notes" as the same appear in the third sentence of said Section 131-126.34.

Sec. 3. Section 131-126.36 of Article 13C of said Chapter 131 is hereby amended by deleting the period at the end of the third sentence of said Section and inserting the following words:

"within five years after the date of the election held on the question of issuing such bonds." so that said sentence reads as follows:

"They may be issued as one issue, or divided into two or more separate issues, and in either case may be issued at one time or in blocks from time to time within five years after the date of the election held on the question of issuing such bonds."

Sec. 4. Section 131-126.36 of Article 13C of said Chapter 131 is hereby further amended by adding the following paragraph at the end thereof:

"At any time after the issuance of bonds has been approved at an election, a hospital district may borrow money for the purposes for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than five years after the

date of the election. The board of county commissioners may, in its discretion, retire any such loans by means of current revenues or other funds, lawfully available therefor, in lieu of retiring them by means of bonds; provided, however, that the actual retirement of any such loans by any means other than the issuance of bonds, shall reduce the authorized amount of the bond issue by the amount of the loan so retired. Negotiable bond anticipation notes shall be issued for all moneys so borrowed, and the resolution authorizing the issuance of such notes shall take effect upon its passage, and need not be published. Such bond anticipation notes may be renewed from time to time for the payment of any indebtedness evidenced thereby, but all such bond anticipation notes shall mature within the time limited by this Section for the payment of the original loan. No money shall be borrowed under this Section at a rate of interest exceeding the maximum rate permitted by law. Said bond anticipation notes may be disposed of by public or private negotiations as provided in the Local Government Act. The issuance of such bond anticipation notes shall be authorized by resolution of the board of county commissioners, which shall fix the actual or maximum face amount of the bond anticipation notes and the actual or maximum rate of interest to be paid upon the amount borrowed. The board of county commissioners may delegate to any officer the power to fix such face amount and rate of interest within the limitations prescribed by such resolution, and the power to dispose of such bond anticipation notes. All such bond anticipation notes shall be executed in the manner provided in this Section for the execution of bonds. They shall be submitted to and approved by the attorney for the hospital district before they are issued, and his written approval endorsed on the notes."

Sec. 5. Section 131-126.37 of Article 13C of said Chapter 131 is hereby amended to read as follows:

"The board of county commissioners is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in the hospital district in which the election was held, sufficient to pay the principal and interest of the bonds and bond anticipation notes as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district or in such unit. The taxes provided for in this Section shall be collected by the county officer collecting other taxes and be applied solely to the payment of principal and interest of such bonds and bond anticipation notes."

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 567 **CHAPTER 719**

AN ACT AUTHORIZING THE CITY OF CHARLOTTE TO PRESERVE THE INTEGRITY OF MUNICIPAL PLANS BY THE REGULATION OF BUILDINGS IN MAPPED STREETS.

The General Assembly of North Carolina do enact:

Section 1. Platting of Street Lines. From and after the time when the City Council shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street or thoroughfare plan, said City Council shall have the power to make or cause to be made by its city engineer, from time to time, surveys for the exact location of the lines of new, extended, widened, or narrowed streets in the whole or in any portion of the municipality, or its authorized planning area, and to make and certify to Council a plat or plats of the area or areas thus surveyed on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The making or certifying of a plat by the city engineer shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Sec. 2. Establishment of Official Map. From and after the time when the City Council shall have adopted a master plan which includes a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have certified a copy of such major street plan, said Council may establish an official map of the municipality showing the location of the streets of the whole or of any part or parts of the municipality theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets on plats of subdivisions which shall have been approved by the planning commission of the municipality. Such official map may also show the location of the lines of streets on plats of subdivisions which, previous to the establishment of the official map shall have been approved under and in accordance with the provisions of the subdivision ordinance. Council shall certify the fact of the establishment of the official map to the recorder of the county in which such municipality is situated.

Sec. 3. Official Map: Additions and Changes. In the event that the official map established under Section 2 of this Act does not include the whole of the municipality, but only certain part or parts thereof, then the Council of the municipality may add to the official map by placing thereon, from time to time, the lines of the streets which, at the date of the establishment of the official map, existed and were established by law as public streets in other part or parts of the municipality or had been approved as public streets, in such other part or parts of the municipality under the provisions of the subdivision ordinance. Said Council may also add to the official map by placing thereon, from time to time, the lines of streets in accordance with the plat of any subdivision which shall have been approved by the planning commission of the municipality. Said

Council may make, from time to time, other additions to or modifications of the official map by placing thereon the lines of planned new streets or street extensions, widenings, narrowings, or vacations; provided, however, that before taking any such action, Council shall hold a public hearing thereon, notice of the time and place of which shall be given not less than 10 days previous to the time fixed therefor by one publication in a newspaper of general circulation in the municipality and, insofar as their addresses appear in the municipal directory or on municipal records or are otherwise known to the clerk of the municipal Council, by mail to the record owners of the lands on or abutting which the proposed street lines are located, and provided further that such proposed addition to or modification of the official map shall be submitted to the planning commission, the city engineer, and the traffic engineer of the City of Charlotte for its approval. The placing of any street or street line upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Sec. 4. Regulations of Buildings in Bed of Mapped Streets. For the purpose of preserving the integrity of the official map, no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. The Board of Adjustment shall have the power, upon an appeal filed with it by the owner of such land, to authorize the grant of a permit for a building or structure or part thereof within any such mapped-street location in any case in which such Board finds, upon the evidence and arguments presented to it upon such appeal, (a) that the property of the appellant of which such mapped-street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or (b) that, balancing the interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of his property, the grant of such permit is required by considerations of justice and equity. Before taking any such action, the Board of Adjustment shall hold a hearing thereon, at least 10 days' notice of the time and place of which shall be given to the appellant by mail at the address specified by the appellant in his appeal petition. In the event that the Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character, and also the duration, of the building, structure, or part thereof to be permitted, and the method of their removal.

Sec. 4.5. In the event condemnation proceedings have not been filed with the Clerk of Superior Court or actual purchase has not been made of the property lying within the boundaries of any street shown on the official map within three years from the date on which such street is added to the map, then the property lying within the boundaries of such street shall be deemed conclusively to have been abandoned for street purposes by the City of Charlotte, and thereafter the owner thereof shall have the right to construct within its boundaries any type of building or structure permitted by the applicable zoning laws and restrictions.

In addition, the below named categories of property lying within the boundaries, or right of way, of such streets, whichever is greater, shall

be removed from the city and county tax scrolls when said land is placed under the effect of this Act by action of the City Council as in Sections 2 and 3. The categories would be: (1) Vacant land (2) Unoccupied residential and commercial buildings and structures. If structures under Section 4 (2) are occupied at time of the City Council approval of the streets for inclusion in this Act, but subsequently become vacant, but prior to filing of condemnation or purchase, then property is to be removed from city and county tax scrolls on date said property became vacant. An appeal from any decision of the Board of Adjustment shall be to the City Council.

Sec. 5. Municipal Improvements in Streets: Buildings Not on Mapped Streets. Excepting in streets existing and established by law as public streets at the date of the establishment of the official map, no public water facilities, sewer, or other public utility or improvement shall be constructed after said date in any street until such street is duly placed on the official map. No permit for the erection of any building shall be issued unless a street giving access to such proposed building existed and was established by law as a public street at the time of the establishment of the official map or shall have been duly placed on the official map in accordance with the provisions of Sections 2 and 3 of this Act; provided, however, that the applicant for such permit may appeal to the Board of Adjustment. The Board of Adjustment shall hold a hearing thereon after 10 days' notice of the time and place and shall have the authority to authorize a permit, subject to such conditions as the Board may impose, where the circumstances of the case do not require the proposed building to be related to existing streets or to streets as shown on the official map and where the permit would not tend to distort or increase the difficulty of carrying out the official map or master plan of the municipality.

Sec. 6. Definitions. For the purposes of this Act, the term "street" or "streets" means, relates to, and includes streets, avenues, boulevards, roads, and other ways which have been accepted for maintenance by an agency of local government; "Council" means the chief legislative body of the municipality whether designated council, commission, board of aldermen, or by other title; and the term "municipality" or "municipal" includes and relates to the City of Charlotte.

Sec. 7. This Act shall apply only to the City of Charlotte.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 646 **CHAPTER 720**

AN ACT RELATING TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 135-3, subdivision (8), of the General Statutes is hereby amended in the following respects:

(a) By deleting the second sentence thereof as follows:

"Such benefits shall be computed in accordance with the provisions of Section 135-5 (b1)."

(b) By deleting the period at the end of the first sentence in subparagraph (a) and by adding the following:

"; and further provided that in the case of a member who so separates from service on or after July 1, 1967, or whose account is active on July 1, 1967, or has not withdrawn his contributions, the afore-stated requirement of 15 or more years of creditable service shall be reduced to 12 or more years of creditable service."

(c) By deleting the second sentence and inserting in lieu thereof the following:

"Such deferred retirement allowance shall be computed in accordance with the provisions of Section 135-5, subsection (b1); provided that such benefits will be computed in accordance with subsection (b2) on and after July 1, 1967."

Sec. 2. Section 135-3, subsection (8)(b), of the General Statutes is hereby amended by substituting a period in lieu of the semicolon at the end of the first proviso on line 13 and deleting the second proviso, "provided further that such application shall be duly filed within sixty (60) days following the date of such separation".

Sec. 3. Section 135-4, subdivision (e), of the General Statutes is hereby amended by substituting a semicolon in lieu of the period and by adding the following:

"and if he has sick leave standing to his credit upon retirement on or after July 1, 1967, one month of credit for each 20 days or portion thereof, but sick leave shall not be counted in computing creditable service for the purposes of G. S. 135-3 (8) a."

Sec. 4. Section 135-5, subsection (b1), of the General Statutes is hereby amended by revising the portion thereof preceding the colon, to read as follows:

"(b1) Service Retirement Allowances of Members Retiring on or After July 1, 1963, but Prior to July 1, 1967. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1963, but prior to July 1, 1967, a member shall receive a service retirement allowance computed as follows:".

Sec. 5. Section 135-5 of the General Statutes is hereby amended by adding a new subsection (b2) to read as follows:

"(b2) Service Retirement Allowances of Members Retiring on or After July 1, 1967. Upon retirement from service, in accordance with subsection (a) above, on or after July 1, 1967, a member shall receive a service retirement allowance computed as follows:

"(1) If the member's service retirement date occurs on or after his 65th birthday, such allowance shall be equal to one and one-quarter per centum (1¼%) of the portion of his average final compensation not in excess of fifty-six hundred dollars ($5600.00) plus one and one-half per centum (1½%) of the portion of such compensation in excess of fifty-six hundred dollars ($5600.00), multiplied by the number of years of his creditable service.

"(2) If the member's service retirement date occurs before his 65th birthday, his service retirement allowance shall be computed as in (1) above, but shall be reduced by one-third of one per cent (⅓ of 1%) thereof

for each month by which his retirement date precedes the first day of the month coincident with or next following his 65th birthday."

Sec. 6. Section 135-5, subdivision (c), of the General Statutes is hereby amended by adding the following:

"Supplemental disability benefits heretofore provided are hereby made a permanent part of disability benefits after age 65, and shall not be discontinued at age 65."

Sec. 7. Section 135-5, subsection (g), of the General Statutes is hereby amended in the following respects:

(a) The first sentence thereof is amended to read as follows:

"With the provision that until the first payment on account of any benefit becomes normally due, or his first retirement check has been cashed, any member may elect to receive his benefits in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent of such retirement allowance in a reduced allowance payable throughout life under the provisions of one of the options set forth below: Provided further, that an optional election may be made after attainment of age 60 without establishment of a date of retirement: and further provided that, on or after July 1, 1967, said optional election may be made after attainment of age 55 or after completion of 30 years of creditable service, without establishment of a date of retirement."

(b) Add a new Option 5 to read as follows:

"Option 5. The member may elect to receive a reduced retirement allowance during his life, with some other benefit payable after his death; provided that the benefit shall be approved by the board of trustees."

Sec. 8. Section 135-5 of the General Statutes is hereby amended by redesignating subsections (k) and (l) thereof as (m) and (n) respectively.

Sec. 9. Section 135-5 of the General Statutes is hereby amended by adding a new subsection (k), to read as follows:

"(k) Increase in Benefits to Those Persons Who Were in Receipt of Benefits Prior to July 1, 1967. From and after July 1, 1967, the monthly benefits to or on account of persons who commenced receiving benefits from the System prior to July 1, 1967, shall be increased by a percentage thereof. Such percentage shall be determined in accordance with the following schedule:

Period in Which Benefits Commenced	Percentage
January 1, 1966, to June 30, 1967	5%
Year 1965	6%
Year 1964	7%
Year 1963	8%
and so on concluding with	
Year 1942	29%

The minimum increase pursuant to this subsection (k) shall be ten dollars ($10.00) per month; provided that, if an optional benefit has been elected, said minimum shall be reduced actuarially as determined by the Board and shall be applicable to the retired member, if surviving, otherwise to his designated beneficiary under the option elected."

Sec. 10. Section 135-5 of the General Statutes is hereby amended by adding a new subsection (l) to read as follows:

"(l) Death Benefit. Upon receipt of proof, satisfactory to the board of trustees, of the death, in service, of a member who had completed at least one full calendar year of membership in the System, there shall be paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board of trustees, if such person is living at the time of the member's death, otherwise to the member's legal representatives, a death benefit equal to the compensation earned by the member during the calendar year preceding the year in which his death occurs but not to exceed the sum of fifteen thousand dollars ($15,000.00). Such death benefit shall be payable apart and separate from the payment of the member's accumulated contributions on his death pursuant to the provisions of subsection (f) of this Section 135-5. For purposes of this subsection (l), a member shall be deemed to be in service at the date of his death if his last day of actual service occurred not more than 90 days before the date of his death; provided that he shall not have retired or applied for a refund of contributions.

The death benefit provided in this subsection (l) shall not be payable, notwithstanding the member's compliance with all the conditions set forth in the preceding paragraph, if his death occurs

(a) after December 31, 1968 and after he has attained age 70; or
(b) after December 31, 1969 and after he has attained age 69; or
(c) after December 31, 1970 and after he has attained age 68; or
(d) after December 31, 1971 and after he has attained age 67; or
(e) after December 31, 1972 and after he has attained age 66; or
(f) after December 31, 1973 and after he has attained age 65.

Notwithstanding the above provisions, the board of trustees may and is specifically authorized to purchase a contract or contracts of group life insurance with any life insurance company or companies licensed and authorized to transact business in this State for the purpose of insuring the lives of members in service, which policy contract or contracts shall provide death benefits upon the life of each member according to the terms and conditions otherwise appearing in this subsection. To that end the board of trustees is authorized and empowered to investigate the feasibility of utilizing group life insurance for the purpose of providing a death benefit for members comparable to the death benefits provided for herein."

Sec. 11. Section 135-7 of the General Statutes is hereby amended by changing the last line of subsection (a) (2) to read as follows:

"operatives, Federal Land Bank, International Bank for Reconstruction and Development, and Inter-American Development Bank;".

Sec. 12. Section 135-8 (b) (1) of the General Statutes is hereby amended by substituting "and with respect to the period of service commencing January 1, 1966, and ending June 30, 1967," for "and with respect to the period of service commencing January 1, 1966," in the first sentence of the second paragraph thereof, by deleting the period at the end of said sentence, and by adding thereto the following: "; and with respect to the period of service commencing July 1, 1967, the rate of such deductions shall be five per centum (5%) of the portion of compensation not

in excess of fifty-six hundred dollars ($5600.00) and six per centum (6%) of the portion of compensation in excess of fifty-six hundred dollars ($5600.00)."

Sec. 13. Section 135-8 of the General Statutes is hereby amended by adding a new paragraph (3) to subsection (f) thereof to read as follows:

"(3) If within 90 days after request therefor by the Board any employer shall not have provided the System with the records and other information required hereunder or if the full accrued amount of the contributions provided for under this Section due from members employed by an employer or from an employer other than the State shall not have been received by the System from the chief fiscal officer of such employer within 30 days after the last due date as herein provided, then, notwithstanding anything herein or in the provisions of any other law to the contrary, upon notification by the Board to the State Treasurer as to the default of such employer as herein provided, any distributions which might otherwise be made to such employer from any funds of the State shall be withheld from such employer until notice from the Board to the State Treasurer that such employer is no longer in default."

Sec. 14. Section 135-27, subsection (a), of the General Statutes is hereby amended by adding in line 6 after the words "Credit Union" a comma and the words, "alumni associations of State-supported universities and colleges, and N. C. State School Boards Association".

Sec. 15. Subsection (3) of G. S. 135-3 is amended by deleting the period at the end thereof and adding the following:

"; Provided that on and after July 1, 1967, should any member in any period of eight consecutive years after becoming a member be absent from service more than seven years, or should he withdraw his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member; provided further that the period of absence from service shall be computed from January 1, 1962, or later date of separation for any member whose contributions were not withdrawn prior to July 1, 1967."

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 805 CHAPTER 721

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BEAUFORT.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Beaufort are hereby extended to include the following described area: BEGINNING at a concrete monument, the southeast corner of the present Town corporate boundary as shown on the Plan of Beaufort and marked as B-11; running thence westwardly and with the various courses of the South Town corporate boundary as shown by the above mentioned Plan and with said

boundary extended to the center of Beaufort Channel; thence southwardly with the center line of Beaufort Channel along the following courses and distances: South 8 degrees 35 minutes East 1200 feet; South 46 degrees 40 minutes West 900 feet; South 84 degrees 00 minutes West 1800 feet; South 19 degrees 15 minutes West 1875 feet; South 11 degrees 25 minutes East 1800 feet; to Bulkhead Light; thence South 80 degrees 30 minutes East 3600 feet; thence South 80 degrees 00 minutes East 8100 feet, more or less, to the present East Town corporate boundary line extended; thence with said East Town corporate boundary line North 14 degrees 05 minutes East to the point of BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 839 CHAPTER 722

AN ACT TO INCORPORATE THE TOWN OF KITTY HAWK WOODS, INCORPORATED, IN DARE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Kitty Hawk Woods, Incorporated, North Carolina, within the boundaries as established in Section 3 of this Act, shall be a body politic and corporate by name the Town of Kitty Hawk Woods, Incorporated, and under that name shall have perpetual succession; may use a corporate seal, may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Act, the Town of Kitty Hawk Woods, Incorporated, shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Kitty Hawk Woods, Incorporated, shall have, and may exercise all powers which, under the Constitution of North Carolina and the general laws of the State including, without limitation Chapter 160 of the General Statutes of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in the manner provided by ordinance or resolution of the Town Council.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a stake or other marker situated in the shore of Currituck Sound, South of U. S. Highway 158 as the same adjoins the new Wright Memorial Bridge, said beginning point being in the South property line of lands now or formerly owned by Roxey Brennon, et als, and running thence in an easterly direction along the Brennon lands to a point located in the western line of an area heretofore platted by the Wright Memorial Bridge Company as Currituck Avenue; running thence in a northerly direction following the western line of said area heretofore platted as Currituck Avenue to a point which is 98 feet South of the southern margin of the right of way of U. S. Highway 158 as established in 1966 upon the completion of the Wright Memorial Bridge project; and running thence in an easterly direction parallel with and 98 feet South of the southern margin of the aforesaid right of way, approximately 6,000 feet, to the property of Spruill and Perry; and running thence in a southerly direction 102 feet to a point; and running thence in an easterly direction along the Spruill and Perry property 150 feet to a point; and running thence in a northerly direction along the Spruill and Perry property to a point 98 feet South of the southern margin of the aforesaid highway right of way; and thence continuing in an easterly direction and parallel with and 98 feet South from the southern margin of the aforesaid highway right of way to a point on the northern margin of said highway right of way which adjoins Block A, Sheet 1, Kitty Hawk Beach, Section C plat, duly of record in Map Book 2, page 264, Public Registry of Dare County, North Carolina; running thence in a northerly direction along the North line of Block A to the northern margin of the aforesaid highway right of way; thence continuing in a southeasterly and southerly direction and following the right of way line of U. S. Highway 158 bypass in a southerly direction to a point which is 100 feet North of the North line of Eckner Street; running thence in a westerly direction a distance of 200 feet to a point; running thence in a southerly direction 260 feet to a point; and running thence in an easterly direction 200 feet to a point on the western margin of the aforesaid U. S. Highway 158 bypass; thence continuing in a southerly direction along the western margin of U. S. Highway 158 bypass, the point of intersection thereof with the North line of the Sanderlin property, which is the South line of property conveyed by Kitty Hawk Beach Realty Company to East Coast Properties, Inc., by deed dated September 15, 1965, and recorded in Book 128, page 245, Public Registry of Dare County, North Carolina; running thence in a westerly direction along the Sanderlin property line and the southern boundary line of East Coast Properties, Inc., to Currituck Sound; and running thence in a northerly direction along the Currituck Sound 5,000 feet, more or less, to the point or place of beginning.

TOWN COUNCIL

Sec. 4. Creation; Terms of Office; Compensation. Except as otherwise provided in this Charter, all powers of the town shall be vested in a Town Council consisting of four members and a mayor appointed or nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for two years or until

his successor is elected and qualified. The term of office for town councilmen shall be for four years except as otherwise provided in this Act. If a vacancy occurs in the office of mayor or councilman, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Town Council. The mayor and members of the Town Council shall be qualified electors of the town. A member of the Town Council or the mayor ceasing to possess any of the qualifications specified in this Section, shall immediately forfeit his office. The mayor and members of the Town Council shall serve without compensation.

Sec. 5. Meeting of the Town Council. The Town Council shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the Town Council. All meetings of the Town Council shall be open to the public, and the rules of the Council shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tempore. The mayor shall preside at meetings of the Town Council and shall exercise such other powers and perform such other duties as may now or hereafter be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the Town Council, take command of the police, maintain order and enforce the law. At its first meeting following a regular municipal election or appointment, the Town Council shall choose one of its members as mayor pro tempore. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Sec. 7. Quorum. A majority of the members elected or appointed to the Town Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the Town Council shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or a vote regarding the attendance of absent members, may be adopted by a majority of the members present.

Sec. 8. Ordinances; Rules and Records. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Except as otherwise prescribed in this Act or by general law, all ordinances and resolutions passed by the Town Council shall take effect at the time indicated therein. Upon final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. The Town Council shall determine its own rules and order of business and keep a journal of its proceedings.

NOMINATIONS AND ELECTIONS

Sec. 9. Municipal Elections. The regular election for the choice of mayor and members of the Town Council shall be held on Tuesday following the first Monday in May in the odd-numbered years. Provided, the date of the first regular municipal election shall be determined as follows:

(1) If the mayor and members of the Town Council first elected as provided for elsewhere in this Act are elected during the odd-numbered year, the first regular municipal election shall be held in May of the odd-numbered year next following such appointments.

(2) If the mayor and members of the Town Council first elected are elected during an even-numbered year, the first regular municipal election shall be held in May of the odd-numbered year which is two years subsequent to the month of May in the odd-numbered year next following the year of such first elections.

Sec. 10. Regulations of Elections. All elections shall be conducted in accordance with the general laws of the State relating to municipal elections, except as otherwise provided in this Act.

Sec. 11. Nominations. Any qualified elector of the Town of Kitty Hawk Woods, Incorporated, may file as a candidate for mayor or member of the Town Council by filing a notice of candidacy in substantially the following form:

"I, ..., hereby give notice that I am a candidate for election to the office of ..... to be voted on at the election to be held on ....., and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the Town of Kitty Hawk Woods, Incorporated, residing at ....., in said town.

Candidate .....

Date .....

Witness:

.....".

The notice of candidacy prescribed above must be filed with the town clerk no earlier than 60 days nor later than 10 days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk.

Sec. 12. Election of Mayor and Town Council. The mayor and members of the Town Council shall be elected at large by the qualified voters of the town. Every voter shall be entitled to vote for one candidate for mayor and four candidates for the Town Council. The four candidates who receive the largest number of votes for councilman shall be declared elected. The candidate who receives the largest number of votes for mayor shall be declared elected, and the mayor shall serve for a term of two years. Councilmen shall serve for a term of four years. Provided, however, that at the first regular municipal election to be held as provided for elsewhere in this Act, the two candidates for the Town Council receiving the highest number of votes shall be elected to serve for a four-year term, and the

other two candidates elected to the Town Council shall serve for a two-year term. Thereafter all members elected to the Town Council shall serve for a four-year term.

ADMINISTRATIVE SERVICE

Sec. 13. Appointment of Officers and Employees. The Town Council may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment. Provided, that the Town Council may appoint one person to perform the duties of any two or more positions. Such employees or officers shall serve at the pleasure of the Town Council, and shall perform such duties as may be prescribed by the Town Council. The Town Council shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 14. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the Town Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the treasurer or other official designated by the Town Council.

Sec. 15. Contracts and Purchases. All contracts for town improvements and all purchases of supplies, materials and equipment shall be governed by the applicable provisions of the General Statutes of North Carolina and in particular G. S. 143-129.

Sec. 16. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the Town Council, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be available to any interested citizens and may be published if so ordered by the Town Council.

MISCELLANEOUS PROVISIONS

Sec. 17. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Town Council.

Sec. 18. Personal Interest. Neither the mayor nor any member of the Town Council nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services; except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this

Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the Town Council.

Sec. 19. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will in all respects observe the provisions of the Charter and ordinances of the Town of Kitty Hawk Woods, Incorporated, and will faithfully discharge the duties of the office of .....".

Sec. 20. The authority granted by this Act shall not be exercised and the government of the Town of Kitty Hawk Woods, Incorporated, as provided for in this Act shall not function unless the Town of Kitty Hawk Woods, Incorporated, is activated by formal resolution adopted by the Board of Commissioners of Dare County pursuant to the following requirements:

(1) In the event a written petition signed by fifteen per cent (15%) of the resident freeholders whose property is located within the limits as described in Section 3 of this Act is filed with the Board of Commissioners of Dare County, the Board of Commissioners of Dare County upon confirmation of such petition and not later than 90 days from the date of the receipt thereof shall adopt a formal resolution activating the Town of Kitty Hawk Woods, Incorporated, in accordance with this Act.

(2) The resolution activating the Town of Kitty Hawk Woods, Incorporated, shall state that a petition or petitions as required herein were received and found sufficient, that the town is activated on the effective date of the resolution and shall function in accordance with this Act.

(3) Immediately upon the adoption of a Resolution of Activation, the Board of County Commissioners of Dare County shall call an election for the purpose of electing a mayor and members of the Town Council, and shall cause a registration of qualified voters within the limits of the town to be had and appoint election officials for conducting such election, all in accord with procedure of general State laws relating to municipal elections.

(4) Once a resolution as required by this Act has been adopted by the Board of County Commissioners of Dare County formally activating the Town of Kitty Hawk Woods, Incorporated, all provisions of this Act and general laws to which this Act refers shall govern the Town of Kitty Hawk Woods, Incorporated, and the repeal of the Activation Resolution or other action by the Board of Commissioners of Dare County shall not modify, repeal or affect in any manner the provisions of this Act.

Sec. 21. If any part of this Act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Act. The provisions of this Act shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Kitty Hawk Woods, Incorporated, is affected thereby.

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 847 CHAPTER 723

AN ACT AMENDING G. S. 130-129 SO AS TO INCREASE THE COMPENSATION OF MEMBERS OF THE BOARD OF SANITARY DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-129 is amended by striking from lines 3 and 4 thereof the words and figures "eight dollars ($8.00)" and substituting in lieu thereof the words and figures "twelve dollars ($12.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 857 CHAPTER 724

AN ACT TO EXTEND FOR TWO YEARS THE AUTHORITY OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE SERVICE AND AUXILIARY FACILITIES AND TO ISSUE REVENUE BONDS TO PAY THE COSTS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1078 of the Session Laws of 1961, as amended by Section 2 of Chapter 944 of the Session Laws of 1963, and Section 2 of Chapter 1033 of the Session Laws of 1965, is further amended by striking out the date "June 30, 1967" in lines 6 and 7 and inserting in lieu thereof the date "June 30, 1969".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 887 CHAPTER 725

AN ACT TO GRANT THE POWER OF EMINENT DOMAIN AND THE AUTHORITY TO LEVY, COLLECT, AND EXPEND FUNDS FOR WATERSHED IMPROVEMENT PROGRAMS IN ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Onslow County is hereby authorized to exercise power and authority under Article 3 of Chapter 139 of the North Carolina General Statutes, for that purpose to levy, collect and expend funds derived from a special "watershed improve-

ment tax", not to exceed five cents (5¢) on each one hundred dollar ($100.00) valuation of property in said county, by appropriate resolution of the board and without an election provided for under G. S. 139-39 and G. S. 139-40. The expenditure of funds derived from the special tax for the purposes of Article 3, Chapter 139 of the General Statutes is hereby declared to be for a special purpose for which the special approval of the General Assembly is hereby given, and a necessary expense.

Sec. 2. Article 2 of Chapter 139 of the General Statutes is hereby amended by adding a new Section, appropriately numbered, to read as follows:

"G. S. 139-..... Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have power to acquire by condemnation any interest in land needed in carrying out the purposes of Chapter 139 of the General Statutes.

(b) This power may be exercised after completion of the following procedures:

(1) The district shall make application to the committee identifying the land sought to be condemned and state the purposes for which said land is needed;

(2) The committee shall find that the land is sought to be acquired for a proper district purpose and certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies, for recordation in the special proceedings docket.

(c) The findings of the committee shall be conclusive in the absence of fraud notwithstanding any other provision of law.

(d) The subsequent procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in Article 2 of Chapter 40 of the General Statutes, as the same may be amended from time to time.

(e) Interest in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district may deem best and if, in the opinion of the trustees, such lands should be sold, leased or rented, the trustees may do so subject to the approval of the committee.

(f) For purposes of this Section, the following special definitions of terms shall apply:

(1) The term "interest in land" means any land, right of way, right of access, privilege, easement, or other interest in or relating to land. Said term includes an interest in land held for public uses or purposes and is not in actual use therefor. Said term also includes an interest in land owned or held as right of way by a public utility company, except that of railroad companies, provided that the operation of such utility company may not be impaired unreasonably thereby.

(2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof: by reference to a map; by metes and bounds; by

general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(3) "Committee" means the State Soil and Water Conservation Committee."

Sec. 2½. Article 3 of Chapter 139 of the General Statutes is hereby amended by adding a new Section, appropriately numbered, to read as follows:

"G. S. 139-..... Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article 3 of Chapter 139 of the General Statutes, or by special Act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by Section 2 of this Act (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district."

Sec. 3. This Act shall apply to Onslow County.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1000 CHAPTER 726

AN ACT TO AMEND CHAPTER 515, SESSION LAWS OF 1965, PROTECTING WILD OR FERAL HOGS IN MACON AND CLAY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 515 of the Session Laws of 1965 is hereby amended to read as follows:

"Section 1. Wild or feral hogs are hereby declared to be game animals. It shall be unlawful to take any wild or feral hog between the effective date of this Act and October 15, 1969.

Beginning in 1969, the open season for taking wild or feral hogs shall be as follows: October 15 to January 1.

The bag limit on wild or feral hogs shall be as follows: Per day, one; per season, two; possession, two.

"Sec. 2. A violation of this Act shall be a misdemeanor punishable in the discretion of the court.

"Sec. 3. This Act shall be applicable only to Macon and Clay Counties."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1006 **CHAPTER 727**

AN ACT TO FILL A VACANCY ON THE WILSON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Dr. R. D. Richards is hereby appointed to the Wilson County Board of Education to serve the unexpired term of L. C. Barnes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1047 **CHAPTER 728**

AN ACT TO PROTECT CERTAIN RARE SPECIES OF OWLS AND HAWKS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (b) of G. S. 113-102 is hereby amended by deleting therefrom the following words and punctuation: "great horned owls, Cooper's hawks, sharp-shinned hawks,".

Sec. 2. This Act shall not be construed to prevent the killing of owls or hawks when they are committing depredations, as authorized by G. S. 113-97.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1049 **CHAPTER 729**

AN ACT TO INCREASE THE MINIMUM PENALTY FOR KILLING WILD TURKEY OUT OF SEASON OR BY UNLAWFUL METHODS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (d) of G. S. 113-109, as the same appears in the 1966 Replacement Volume 3A, is hereby amended by deleting from the sixth line of said paragraph the words and figures "one hundred dollars ($100.00)" and by substituting in lieu thereof the words and figures "two hundred and fifty dollars ($250.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1057 **CHAPTER 730**

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5.64 of Chapter 713 of the Session Laws of 1965, being the Charter of the City of Charlotte, is hereby amended by adding to the end thereof a proviso as follows:

"Provided, however, if the Charlotte Park and Recreation Commission ceases to exist and is replaced by the Charlotte-Mecklenburg Park and Recreation Commission, a joint city-county commission, then the proceeds referred to herein shall be paid to the joint commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1058 **CHAPTER 731**

AN ACT TO AMEND CHAPTER 835 OF THE SESSION LAWS OF 1947 CONCERNING THE DIVISION OF PROFITS FROM LIQUOR STORES.

The General Assembly of North Carolina do enact:

Section 1. Section 2(d) of Chapter 835 of the Session Laws of 1947 is hereby amended by adding to the end thereof a proviso as follows:

"Provided, however, if the Charlotte Park and Recreation Commission ceases to exist and is replaced by the Charlotte-Mecklenburg Park and Recreation Commission, a joint City-County Commission, then the obligation imposed herein shall terminate and the City is thereafter authorized to pay said five per cent (5%) to the joint City-County Commission for expenditures for parks and playgrounds;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1095 **CHAPTER 732**

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF PAMLICO COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE TOWN OF ORIENTAL AS A SITE FOR A FIRE STATION, TOWN HALL OR SOME OTHER MUNICIPAL PURPOSE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Pamlico County is hereby authorized and empowered to convey to the Town of Oriental certain surplus land, not now needed by the said Board of Education, for the purpose of

establishing on same by the Town of Oriental a fire station, town hall or for use for some other municipal purpose. The land in question, which is the subject of the conveyance hereby authorized, fronts on the southeast side of Broad Street in the Town of Oriental, a distance of 150 feet, and fronts on the northeast side of Church Street in said town for a distance of 125 feet. Said property is fully described in Deed from T. W. Roberts, et als., trustees of the Missionary Baptist Church at Oriental, to the Board of Education of Pamlico County, dated February 2, 1933, and recorded in the office of the Register of Deeds of Pamlico County in Book 91 at page 44, and said description therein is hereby referred to as a description of the land authorized herein to be conveyed, the same being described as first tract and second tract.

Sec. 2. The Board of Education of Pamlico County is authorized to make such conveyance for a nominal consideration or any other consideration that may be agreed upon between said Board of Education and the Town of Oriental, and the Board of Education of Pamlico County is authorized to execute and deliver deed for such property and to execute any other and further documents that may be necessary to carry out the purposes of this Act. In preparing and executing said deed for said property the Board of Education of Pamlico County shall insert a proper reverter clause or a clause in the nature of a condition subsequent which shall state in substance that the deed shall be effective so long as said land shall be used by said Town of Oriental as the site for a fire station, town hall or some other municipal purpose and that if such condition or defeasible fee is breached or condition of conveyance is broken the title to said property shall revert or again be vested in the Board of Education of Pamlico County.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1132 CHAPTER 733

AN ACT INCREASING THE MAXIMUM PUNISHMENT FOR PUBLIC DRUNKENNESS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Subdivision 16 of G. S. 14-335, as the same appears in the 1965 Cumulative Supplement to the General Statutes, is hereby amended by striking out in line 1 thereof the words "In Scotland County" and substituting in lieu thereof the words "In Robeson and Scotland Counties".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 1150 **CHAPTER 734**

AN ACT TO AMEND CHAPTER 208 OF THE PUBLIC-LOCAL LAWS OF 1933 RELATING TO COSTS IN THE COUNTY RECORDER'S COURT OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 208, of the Public-Local Laws of 1933, is hereby amended by deleting the following which appears after the first full paragraph in Section 1 of said Chapter 208:

"For issuing warrant of arrest, including the affidavit, one dollar", and inserting in lieu thereof the following:

"For issuing warrant of arrest, including the affidavit, five dollars ($5.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of June, 1967.

H. B. 585 **CHAPTER 735**

AN ACT RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF WADESBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 690 of the Session Laws of 1959 is hereby amended by striking out the last sentence of said Section and inserting in lieu thereof the following:

"From and after the first day of July, 1967, each member of the Board of Commissioners of the Town of Wadesboro shall receive as compensation for their services such salary per month, not exceeding fifty dollars ($50.00) per month each, as said Board, in its discretion, may from time to time fix and determine."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1967.

H. B. 760 **CHAPTER 736**

AN ACT TO AMEND CHAPTER 231 OF THE 1943 SESSION LAWS OF NORTH CAROLINA, RELATING TO THE COMPENSATION OF THE GOVERNING BODY OF THE TOWN OF GRIMESLAND IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 5 of Chapter 231 of the 1943 Session Laws of North Carolina is hereby amended by striking out the words "five dollars" in

line 3 of said Section 5 and inserting in lieu thereof the words "ten dollars".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1967.

H. B. 964 CHAPTER 737

AN ACT TO AUTHORIZE THE TOWN OF BEAUFORT TO ACQUIRE OPEN SPACE LAND BY EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

Section 1. In addition to such other powers of eminent domain as may now or hereafter be granted by general or local law to the Town of Beaufort, the town is hereby empowered and authorized to acquire by eminent domain the fee or any lesser interest, development right, easement, covenant, or other contractual right of or to real property within its corporate limits, for the purposes specified in Article 14A of Chapter 160 of the General Statutes. In the exercise of the power granted by this Section, the town shall follow the procedure provided in Article 2 of Chapter 40 of the General Statutes.

Sec. 1.5. This Act shall not apply to the following area: Beginning at a concrete monument, the southeast corner of the present town corporate boundary as shown on the Plan of Beaufort and marked B-11; running thence westwardly and with the various courses of the South town boundary as shown by the above-mentioned Plan and with said boundary extended to the center of Beaufort Channel; thence southwardly with the center line of Beaufort Channel along the following courses and distances: South 8 degrees 35 minutes East 1200 feet; South 46 degrees 40 minutes West 900 feet; South 84 degrees 00 minutes West 1800 feet; South 19 degrees 15 minutes West 1875 feet; South 11 degrees 25 minutes East 1800 feet to Bulkhead Light; thence South 80 degrees 30 minutes East 3600 feet; thence South 80 degrees 00 minutes East 8100 feet, more or less, to the present East town corporate boundary line extended; thence with said East town corporate boundary line North 14 degrees 05 minutes East to the point of Beginning.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1967.

H. B. 977 **CHAPTER 738**

AN ACT TO FIX THE SALARY OF THE MAYOR AND MEMBERS OF THE BOARD OF TOWN COMMISSIONERS IN THE TOWN OF CHADBOURN.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Mayor of the Town of Chadbourn shall be four hundred dollars ($400.00) per year, payable in equal monthly installments. The salary of the members of the Board of Commissioners of the Town of Chadbourn shall be two hundred dollars ($200.00) per year, payable in equal monthly installments.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1967.

S. B. 207 **CHAPTER 739**

AN ACT TO AMEND ARTICLE 5, CHAPTER 115 OF THE GENERAL STATUTES, TO PROVIDE FOR ELECTION OF THE BOARD OF EDUCATION OF RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Article 5, Chapter 115 of the General Statutes of North Carolina, the Board of Education of Randolph County, which shall consist of seven members elected for terms of four years each, shall be elected as hereinafter provided.

Sec. 2. Members of the Board of Education of Randolph County shall be elected in a nonpartisan election to be held at the same time as the regular primary election held for other county offices for Randolph County. The first such election shall be held in the Spring of 1968, and each biennium thereafter. Four members, being those four candidates receiving the highest total votes, shall be elected for four-year terms at the primary election in the Spring of 1968; the remaining three members being those three candidates receiving the next highest total votes, shall be elected for two-year terms at the primary election in 1968. There shall be no second primary.

Sec. 3. The terms of the seven present members of the Board of Education of Randolph County appointed in 1967 shall expire on the first Monday in December, 1968. Members elected under this Act shall take office on the first Monday in December, 1968.

Sec. 4. Candidates for the office of member of the Board of Education of Randolph County shall be elected on a nonpartisan basis. Candidates for election to the Board of Education of Randolph County shall file at the same time and in the same manner as other candidates for county offices; provided, however, candidates shall not file as members of any political party. Any registered voter residing in Randolph County shall be

eligible to file for election as a member of the Board of Education of Randolph County.

Sec. 5. The election for members of the Board of Education of Randolph County shall be conducted as set forth in Section 4, above, and at said election a separate ballot entitled "School Board" shall be used and such ballots shall be distributed to all qualified voters desiring to vote in said election without regard to the political affiliation of said voter; provided, nothing herein shall be construed to exclude an independent or person not affiliated with either of the major parties from voting in said election.

Sec. 6. Any vacancy caused by resignation, death, or other means shall be filled by the remaining members of the Board of Education of Randolph County for the unexpired term of the member creating the vacancy.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 216 CHAPTER 740

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ACQUIRE AN ENTIRE STRUCTURE WHEN IT IS SEVERED BY STREET RIGHT OF WAY.

The General Assembly of North Carolina do enact:

Section 1. Where the proposed right of way of a street or highway necessitates the taking of a portion of a building or structure, the City of Charlotte may acquire, by condemnation or purchase, the entire building or structure, together with the right to enter upon the surrounding land for the purpose of removing the building or structure. Provided, the City must make a determination based upon an affidavit of an independent real estate appraiser that the partial taking will substantially destroy the economic value or utility of the building or structure and a determination either

(1) that an economy in the expenditure of public funds will be promoted thereby; or

(2) that it is not feasible to cut off a portion of the building without destroying the entire building; or

(3) that the convenience, safety or improvement of the street or highway will be promoted thereby;

Provided, further, nothing herein contained shall be deemed to give the City authority to condemn the underlying fee of the portion of any building or structure which lies outside the right of way of any existing or proposed public road, street or highway.

Provided, further, that where an entire structure is condemned under this Section and the owner is or may be prohibited or prevented from rebuilding the type of structure condemned because of zoning, building or

other restrictions, or where the remaining land after condemnation cannot be used by the owner for the purposes for which the land was zoned prior to condemnation, such facts shall be competent and considered in determining the damages to which the said owner shall be entitled to receive on account of said taking.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 617 CHAPTER 741

AN ACT TO AMEND SECTION 14 OF THE CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA, 1949, AS AMENDED) RELATING TO ORDINANCES—VOTE FOR FINAL PASSAGE, AMENDMENT BY ORDINANCE.

The General Assembly of North Carolina do enact:

Section 1. That Section 14 of the Charter of the City of Raleigh (Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) be amended to read as follows:

"Section 14. Ordinances—Vote for Final Passage, Amendment by Ordinance.

No ordinance shall be passed finally on the date on which it is introduced, unless by two-thirds vote of the members of the Council present. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise shall be passed until voted on at two regular meetings of the City Council, and no such grant, renewal or extension shall be made otherwise than by ordinance.

No ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with law."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 740 CHAPTER 742

AN ACT TO AMEND CHAPTER 273, SESSION LAWS OF 1955, RELATING TO FILING AND RECORDING OF PAPERS BY THE CLERK OF SUPERIOR COURT AND REGISTER OF DEEDS IN RUTHERFORD AND OTHER COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 273, Session Laws of 1955, is hereby amended by deleting the words "or name" appearing in line 6 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2.1. This Act shall apply only to Rutherford County.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 756 CHAPTER 743

AN ACT TO AMEND CHAPTER 418, SESSION LAWS OF 1965, RELATING TO PERSONS DISQUALIFIED TO PRACTICE LAW.

The General Assembly of North Carolina do enact:

Section 1. Section 2(a) of Chapter 418, Session Laws of 1965, is hereby amended by deleting the word "Carteret" appearing therein.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 831 CHAPTER 744

AN ACT RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COMMISSIONERS, SHERIFF, CLERK OF SUPERIOR COURT AND REGISTER OF DEEDS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salary of the Clerk of the Superior Court of Richmond County, including his salary as Judge of the Juvenile Court, shall be increased ten per centum (10%) effective July 1, 1967, and an additional ten per centum (10%) effective July 1, 1968. The annual salary of the Register of Deeds of said County shall be increased ten per centum (10%) on July 1, 1967 and shall be increased an additional ten per centum (10%) on July 1, 1968. The annual salary of the Sheriff of said County, including the compensation authorized by Chapter 498 of the 1961 Session Laws for his services in connection with the County jail, shall be increased ten per centum (10%) on July 1, 1967, and shall be increased an additional ten per centum (10%) on July 1, 1968. The annual salary of the Chairman of the Board of County Commissioners shall be eighteen hundred dollars ($1800.00), payable monthly. The annual salary of each member of the Board of Commissioners of said County shall be twelve hundred dollars ($1200.00), payable monthly. The annual salary of the Judge and the Solicitor of the Recorder's Court of Hamlet District and the Judge and Solicitor of the Richmond County Special Court may be increased in the discretion of the Board of County Commissioners of said County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 832 **CHAPTER 745**

AN ACT AUTHORIZING THE GOVERNING BODY OF THE CITY OF ROCKINGHAM IN RICHMOND COUNTY TO PROVIDE A RETIREMENT PLAN FOR CITY EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the City of Rockingham in Richmond County is hereby authorized to provide a suitable retirement plan for the employees of said city and the governing body of said city may, in its discretion, purchase a retirement plan for the benefit of the employees of said city.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 934 **CHAPTER 746**

AN ACT TO AMEND G. S. 14-346.1, RELATING TO THE SALE OF BAY RUM, SO AS TO MAKE THE SAME APPLICABLE TO RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-346.1, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the word "Rutherford," in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 952 **CHAPTER 747**

AN ACT CONCERNING THE EXERCISE OF THE POWER OF EMINENT DOMAIN IN CONNECTION WITH SMALL WATERSHED PROGRAMS IN THE COUNTY OF JONES.

The General Assembly of North Carolina do enact:

Section 1. Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have the power to acquire by condemnation any interest in land needed in carrying out the purposes of this Act. This power may be exercised only after:

(1) The district makes application to the committee, identifying the land sought to be condemned and stating the purpose for which said land is needed; and

(2) The committee finds that the land is sought to be acquired for a proper district purpose. The findings of the committee shall be conclusive in the absence of fraud, notwithstanding any other provision of law.

(b) The committee shall certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings thereof.

(c) For purpose of this Section:

(1) The term "interest in land" means any land, right-of-way, right-of-access, privilege, easement, or other interest in or relating to land. Said term includes an interest in land held for public uses or purposes, which land is not necessary or essential for said public uses or purposes and is not in actual use therefor. Said term also includes an interest in land owned or held as right-of-way by a public utility company, except that of railroad companies, provided that the operation of such utility company may not be impaired unreasonably thereby.

(2) A "description" of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof: by reference to a man; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

(3) "Committee" means the State Soil and Water Conservation Committee.

(d) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G. S. Chapter 40, Article 2, and all Acts amendatory thereof.

(e) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district deem best. If, in the opinion of the trustees, such lands should be sold, leased or rented, the trustees may do so, subject to the approval of the committee.

Sec. 2. Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article 3 of G. S. Chapter 139 or by special Act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by Section 1 of this Act (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district.

Sec. 3. This Act shall apply to only Jones County.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1053 CHAPTER 748

AN ACT TO AMEND CHAPTER 368 OF THE PRIVATE LAWS OF 1909 TO PROVIDE FOUR-YEAR TERMS OF OFFICE FOR THE MAYOR AND COMMISSIONERS OF THE TOWN OF SNOW HILL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 368 of the Private Laws of 1909 is hereby amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. The government of the Town of Snow Hill shall be vested in a Mayor, and a Board of Commissioners made up of five members. Regular elections shall be held biennially in the odd-numbered years. In the regular election in 1969, there shall be elected a Mayor and five Commissioners, and the candidate for Mayor and the three candidates for Commissioner who receive the largest numbers of votes shall be declared elected for terms of four years, and the two candidates for Commissioner who receive the next largest numbers of votes shall be declared elected for terms of two years. In the regular election in 1971, and quadrennially thereafter, there shall be elected two Commissioners to serve for terms of four years. In the regular election in 1973, and quadrennially thereafter, there shall be elected a Mayor and three Commissioners to serve for terms of four years. Any vacancy in the office of Mayor or Commissioner shall be filled by the Board of Commissioners for the remainder of the unexpired term. Except as otherwise provided herein, regular town elections shall be conducted in accordance with the general laws relating to municipal elections."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1114 CHAPTER 749

AN ACT TO AUTHORIZE THE TOWN OF FUQUAY-VARINA TO PROVIDE FOR A RETIREMENT SYSTEM OR DEATH BENEFITS FOR ITS OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Fuquay-Varina may, in its discretion, in lieu of participating in the Local Governmental Employees' Retirement System, expend funds to provide a retirement system or some system for retirement or death benefits, or both, for the officers or employees, or both, of the town. Said governing body shall, in its discretion, cause the town to bear the total expense of such a program or it may, in its discretion, require employees and officers to bear such portion of the expense as it may determine. Said governing body shall have full authority to determine whether it shall cause an independent retirement system to be created or whether it shall pay premiums to purchase insurance or other retirement benefit contracts providing retirement or death benefits or both. Said governing body is authorized to prescribe rules and regulations governing participation in the program and eligibility for

benefits, and to do all other things being wise and expedient to effectuate the purposes of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1129 CHAPTER 750

AN ACT TO AUTHORIZE THE TOWN OF ENFIELD TO SELL AND CONVEY CERTAIN REAL ESTATE AT PRIVATE SALE.

WHEREAS, the Town of Enfield heretofore purchased certain real estate to be used by it as a well field; and

WHEREAS, the wells placed on said real estate failed to produce the necessary water and the Town of Enfield was forced to abandon them and obtain its municipal water supply elsewhere; and

WHEREAS, the Town of Enfield desires to sell the said real estate for industrial development; and

WHEREAS, it is believed by the town officials that the said real estate can be sold more advantageously at private sale than at public auction: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Enfield is hereby authorized and empowered to sell and convey at private sale for industrial development and for a consideration of not less than seven hundred and fifty dollars ($750.00) per acre the following described real estate lying and being located in Enfield Township, Halifax County, North Carolina, to wit:

Tract One. That tract or parcel of land lying and being located on the easterly side of Dennis Street Extension a short distance South of the southerly city limits of the Town of Enfield, and beginning at a stake at the easterly right of way of said Dennis Street Extension and at the corner of the property owned by Clifton Ferdie Barkley and wife, Maybelle G. Barkley; and running thence South 41 degrees East along the said Barkley line 450 feet to a stake at the westerly edge of the right of way of the Atlantic Coast Line Railroad; running thence South 48 degrees 10 minutes West along the edge of the westerly right of way of said Atlantic Coast Line Railroad 697.3 feet to a stake in or near a ditch at the corner of the property owned by Mrs. Carrie J. Hunter and Henry J. Hunter; running thence North 50 degrees 30 minutes West along the said Carrie J. and Henry J. Hunter line 453.5 feet to a stake at the easterly edge of the right of way of aforesaid Dennis Street Extension; running thence North 48 degrees East along the easterly edge of the right of way of said Dennis Street Extension 772 feet to a stake, the point of beginning. It being a tract of land containing exactly 7.552 acres according to survey and plat prepared by C. C. Corey, Registered Licensed Surveyor, Enfield, North Carolina, on March 21, 1959.

Tract Two. That tract or parcel of land lying and being located on the westerly side of Dennis Street Extension a short distance South of the southerly city limits of the Town of Enfield, and beginning at a stake at the edge of the westerly right of way of aforesaid Dennis Street Extension and at the southeasterly corner of Lot No. 12 of the Jennie B. Hunter Estate property, which lot is now owned by Carrie J. Hunter, and running thence South 48 degrees West along the westerly right of way of said Dennis Street Extension 1300 feet to a stake at the line of the farm now owned by Carrie J. Hunter and Henry J. Hunter; running thence North 50 degrees 30 minutes West along the line of said farm 152 feet to a stake; running thence North 48 degrees East 1322.5 feet to a stake in the line of aforesaid Lot No. 12; running thence South 42 degrees East along the line of aforesaid Lot No. 12 150 feet to a stake at the westerly edge of the right of way of said Dennis Street Extension containing 4.521 acres, according to survey and plat prepared by C. C. Corey, Registered Licensed Surveyor, Enfield, North Carolina, on March 21, 1959.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1130 CHAPTER 751

AN ACT TO AUTHORIZE THE TOWN OF ENFIELD TO CONVEY CERTAIN REAL ESTATE TO THE ENFIELD VOLUNTEER FIRE DEPARTMNT, INC.

WHEREAS, the Enfield Volunteer Fire Department, Inc., heretofore conveyed to the Town of Enfield certain real estate on the express condition that it was to be used, maintained and operated as a community center; and

WHEREAS, the said real estate has not been used as a community center for several years; and

WHEREAS, the Town of Enfield desires to convey the said real estate back to the Enfield Volunteer Fire Department, Inc., upon the payment by it to the said town of five thousand dollars ($5,000.00) in consideration for certain improvements made thereon: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Enfield is hereby authorized and empowered to convey to the Enfield Volunteer Fire Department, Inc., at private sale and for a consideration of five thousand dollars ($5,000.00) the following described real estate lying and being located in the Town of Enfield, County of Halifax, State of North Carolina and more particularly described as follows:

BEGINNING in the center of U. S. Highway No. 301 where the lands of Peyton Randolph adjoin said Highway and running thence in a westerly direction along the line of Peyton Randolph about 147 feet to a fence,

corner on the lands of Enfield Fire Department; thence in a northerly direction along said fence about 170 feet to the Community Building; thence in a westerly direction 10 feet to a corner on the lands of Enfield Fire Department; thence in a northerly direction 70 feet to a corner on the lands of Enfield Fire Department; thence in an easterly direction 10 feet to a fence, corner at the Community Building; thence along said fence in a northerly direction about 170 feet to a corner; thence in an easterly direction about 147 feet to the center of said Highway No. 301; thence along the center of said Highway No. 301 410 feet to the beginning. This is the same lot, tract or parcel of land conveyed to Enfield Fire Department, Inc., by Peyton Randolph and wife, Bessie S. Randolph by deed dated January 13, 1939, and recorded in Book 490, page 49 Halifax County Public Registry and is a part of the same land conveyed to G. Robert Ivey, Luther C. Marshall and H. H. Burrows, Trustees for the Enfield Fire Department by Jim Ed Condrey and wife, by deed dated February 2, 1938 and recorded in Book 473, page 426, Halifax County Public Registry.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1131 CHAPTER 752

AN ACT TO AMEND CHAPTER 82 PRIVATE LAWS OF 1901, THE SAME BEING THE CHARTER OF THE TOWN OF FAIRMONT, ROBESON COUNTY, SO AS TO REINSTATE PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 172 of the 1965 Session Laws is hereby repealed and the provisions of Chapter 149, Public, Local, and Private Laws of 1919, relating to primary elections, is hereby re-enacted.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1138 CHAPTER 753

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF MOORE COUNTY TO SELL CERTAIN LAND AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Moore County is hereby authorized and empowered to sell at private sale, and without any public advertisement, 49.16 acres of land to Mary Luman Meyer, which said land

lies in McNeill Township in Moore County, and is described in a deed dated December 15, 1966, and recorded in Deed Book 299 at page 279 in the records of the Office of the Register of Deeds of Moore County.

Sec. 2. The said Board of Education of Moore County is authorized and empowered to sell certain land, as set forth in Section 1 of this Act, as surplus property and for such consideration as the said Board of Education shall consider adequate and proper. The said Board of Education is authorized to execute a deed conveying said property, and such other documents or legal papers as may be necessary to make such transfer of land effective, to Mary Luman Meyer, and upon such terms and conditions in the deed as the Board of Education of Moore County may deem proper and necessary.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1160 CHAPTER 754

AN ACT RELATING TO THE SALARIES OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. The salaries of the members of the Board of Aldermen of the City of Shelby shall be fixed by the Board of Aldermen but not exceeding one hundred dollars ($100.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective as of July 1, 1967.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

H. B. 1179 CHAPTER 755

AN ACT TO AMEND CHAPTER 753, SESSION LAWS OF 1963, SO AS TO MAKE IT APPLICABLE TO NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 753, Session Laws of 1963, is hereby amended by deleting therefrom the words "New Hanover".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of June, 1967.

S. B. 170 **CHAPTER 756**

AN ACT TO EXEMPT SMALL SALES MADE THROUGH ONE CENT VENDING MACHINES FROM SALES AND USE TAXES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-164.13 is hereby amended by adding at the end thereof a new subsection to read as follows:

"(30) Sales from vending machines when sold by the owner or lessee of said machines at a price of one cent (1¢) per sale."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. B. 314 **CHAPTER 757**

AN ACT TO AMEND G. S. 105-345 RELATIVE TO DISCOUNTS FOR EARLY PAYMENT OF TAXES IN IREDELL COUNTY AND THE CITY OF STATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-345(6) is hereby amended by rewriting the same to read as follows:

"(6) Should any taxpayer desire to make a prepayment of his taxes, he may do so between August first and October first of any year, by making payment to the county or city accountant, city clerk, auditor or treasurer, as the governing body may determine, and shall be entitled to the following discounts: If paid between August first and on or before September first, a deduction of two per cent (2%); if paid during the month of September, a deduction of one per cent (1%)."

Sec. 2. This Act shall apply only to Iredell County and the City of Statesville.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. B. 332 **CHAPTER 758**

AN ACT AUTHORIZING THE CITY COUNCIL OF THE TOWN OF SPRUCE PINE TO FIX THE COMPENSATION OF ITS MEMBERS AND THE MAYOR OF THE TOWN.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the Town of Spruce Pine is hereby authorized to fix the salary of the mayor of the town in an amount not to exceed one hundred dollars ($100.00) per month. The City Council is further

authorized to fix the salary of the members of the City Council in an amount not to exceed fifty dollars ($50.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. B. 478 CHAPTER 759

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE COLLECTION OF TAXES ON MALT BEVERAGES AND WINES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 18-81 by striking out the words "Manufacturers and bottlers" in the second paragraph of subsection (a) and (a1), and by substituting in lieu thereof the following: "Wholesale distributors and importers".

Sec. 2. Rewrite subsection (b) of G. S. 18-81 to read as follows:

"(b) Each licensed wholesale distributor and importer of beverages enumerated in subsection (1) of G. S. 18-64 shall pay the excise tax levied by this Article on said beverages on or before the fifteenth day of the month following the calendar month in which they are first sold or disposed of within this State by said wholesale distributor and importer."

Sec. 3. Rewrite subsection (c) of G. S. 18-81 to read as follows:

"(c) Each of the licensees responsible for the payment of the excise tax levied by this Article shall, on or before the fifteenth of each month, file a report, verified on forms provided by the Commissioner of Revenue, showing, for the preceding calendar month, the exact quantities of beverages, enumerated in subsection (1) of G. S. 18-64, by size and type of container:

(1) Constituting his beginning and ending inventory for the month;

(2) Shipped to him from inside this State and received by him in this State;

(3) Shipped to him from outside this State and received by him in this State;

(4) Sold or disposed of by him in this State;

(5) Sold by him in this State to Army, Navy, Air Force and Coast Guard Services of the United States and their organized personnel separately indicating those sales or transactions of beverages enumerated in subsection (1) of G. S. 18-64 to which the excise tax is not applicable;

(6) Sold or disposed of by him to persons outside this State, separately indicating those sales or transactions of beverages enumerated in subsection (1) of G. S. 18-64 to which the excise tax is not applicable.

The report, on forms prescribed by the Commissioner of Revenue, shall also show the amount of excise tax payable, after allowance for all proper deductions, for all such beverages sold or disposed of by him in this State, and shall include such additional information as the Commissioner of

Revenue may require for the proper administration of this Article. Payment of the excise tax levied by this Article in the amount disclosed by the report, shall accompany the report, and shall be paid to the Commissioner of Revenue. Each wholesale distributor and importer required to file a return shall keep complete and accurate books, papers, invoices and other records as may be necessary to substantiate the accuracy of his report and the amount of excise tax due, and shall retain such records for a period of three years, subject to the use and inspection of the Commissioner of Revenue or his agents."

Sec. 4. Rewrite subsection (d) of G. S. 18-81 to read as follows:

"(d) Any person required by this Section to retain books, papers, invoices and other records, who fails to produce same upon demand by the Commissioner of Revenue or his agent, unless such nonproduction is due to providential or other causes beyond his control, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned in the discretion of the court."

Sec. 5. Rewrite subsection (e) of G. S. 18-81 to read as follows:

"(e) Each manufacturer, nonresident wholesaler, and foreign wholesaler licensed by the North Carolina Commissioner of Revenue to sell and/or deliver any of the beverages enumerated in subsection (1) of G. S. 18-64 in North Carolina, at the time it sells and/or delivers such beverages to a licensed North Carolina wholesale distributor or importer shall furnish to each such wholesale distributor or importer a sales ticket or invoice in duplicate, and a third copy to the Commissioner of Revenue, with the following information written thereon:

(1) The name and address of the manufacturer, nonresident wholesaler, or foreign wholesaler making the delivery and/or sale;

(2) The name, address and license number of the wholesale distributor or importer receiving the shipment, and/or making the purchase;

(3) The exact number of barrels, kegs or cases delivered and/or purchased, specifying the size and type of container."

Sec. 6. Rewrite subsection (f) of G. S. 18-81 to read as follows:

"(f) Each manufacturer, nonresident wholesaler or foreign wholesaler licensed by the Commissioner of Revenue to sell and/or deliver beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99 in North Carolina shall prepare and file a monthly report, verified on forms provided by the Commissioner of Revenue, showing the exact number of barrels, kegs or cases, specifying the size and type of container, of such beverages sold to licensed wholesale distributors or importers during the previous calendar month. This report must be filed with the Commissioner of Revenue on or before the fifteenth day of each calendar month following the month during which the sales are made. Each manufacturer, nonresident wholesaler or foreign wholesaler shall retain copies of such sales records for a period of three years, subject to the use and inspection of the Commissioner of Revenue or his agents."

Sec. 7. Rewrite subsection (g) of G. S. 18-81 to read as follows:

"(g) Persons operating boats, dining cars, buffet cars or club cars upon or in which malt beverages are sold, shall keep such records of the sales of such beverages in this State as the Commissioner of Revenue

shall prescribe and shall submit monthly reports of such sales to the Commissioner of Revenue upon a form prescribed therefor by the Commissioner of Revenue, and shall pay the excise tax levied under this Article at the time such reports are filed."

Sec. 8. Rewrite subsection (h) of G. S. 18-81 to read as follows:

"(h) On the total excise tax due upon the sale of beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99, levied by this Article, the Commissioner of Revenue shall allow a discount of two per cent (2%). Said discount shall constitute compensation allowed by the State of North Carolina to wholesale distributors and importers for spoilage and breakage and for expenses incurred in the preparation of monthly reports and the maintenance of books, papers and invoices and bond required by this Article. Provided that no compensation or refund shall be made for tax-paid beverages given as free goods or advertising."

Sec. 9. Rewrite subsection (i) of G. S. 18-81 to read as follows:

"(i) In addition to the allowance of a discount on the excise tax due from wholesale distributors or importers, as provided in subsection (h) of this Section, the wholesale distributor or importer shall not be required to pay the excise tax on any beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99, destroyed or spoiled or otherwise rendered unsalable in a major disaster, upon adequate proof of same. For the purposes of this subsection a major disaster shall be defined as the destruction, spoilage or unsalability of 50 or more cases, or their equivalent, of beverages described in subsection (1) of G. S. 18-64 or of 25 or more cases, or their equivalent, of beverages described in subsection (2) of G. S. 18-64, and G. S. 18-96 and G. S. 18-99."

Sec. 10. Rewrite subsection (j) of G. S. 18-81 to read as follows:

"(j) The Commissioner of Revenue shall promulgate rules and regulations to relieve resident manufacturers, wholesale distributors and importers from the liability of paying the excise tax levied and imposed on beverages enumerated in subsection (1) of G. S. 18-64 which are intended to be sold and are thereafter sold to Army, Navy, Air Force and Coast Guard Services of the United States and their organized personnel in this State or which are intended to be shipped and are thereafter shipped out of this State by such resident manufacturers, wholesale distributors or importers for resale outside of this State or which are intended for use or consumption by or on ocean-going vessels which ply the high seas in interstate or foreign commerce in the transport of freight and/or passengers for hire exclusively, when delivered to an officer or agent of such vessel for use by or on such vessel.

"(jj) Each manufacturer or bottler manufacturing beverages within or outside the State of North Carolina which are intended to be sold and are thereafter sold to the Army, Navy, Air Force, Coast Guard Services, or any other military establishment in North Carolina, shall identify such beverages by placing on the label, crown, can end or kegs the phrase 'For Military Use Only', any and all laws, regulations, and requirements to the contrary notwithstanding. Provided that all other beverages described in G. S. 18-64 (1) intended for sale in North Carolina shall bear no special identification other than proprietary crowns, lids or stamps."

Sec. 11. Rewrite subsection (k) of G. S. 18-81 to read as follows:

"(k) If the excise tax levied and imposed in this Section shall not be paid when due by the wholesale distributor or importer responsible therefor, there shall be added to the amount of the tax as a penalty, a sum equivalent to ten per cent (10%) thereof, and in addition thereto interest on the tax and penalty at the rate of one-half of one per cent (½ of 1%) per month or fraction of a month from the date the tax became due until paid. Nothing herein contained shall be construed to relieve any licensee otherwise liable from liability for payment of the excise tax."

Sec. 12. Amend G. S. 18-81 by striking out subsection (l) and (m).

Sec. 13. Amend subsection (n) of G. S. 18-81 by renumbering same as subsection (l).

Sec. 14. Amend subsection (o) of G. S. 18-81 by striking out the second and third paragraphs of said subsection and by renumbering said subsection as subsection (m).

Sec. 15. Amend subsection (p) of G. S. 18-81 by renumbering same as subsection (n).

Sec. 16. Amend G. S. 18-81 by striking out subsection (q).

Sec. 17. Amend subsection (r) of G. S. 18-81 by renumbering same as subsection (o) and by rewriting same to read as follows:

"(o) In addition to the license taxes herein levied, a tax is hereby levied upon the sale of beverages described in G. S. 18-64, subsection (2) at the rate of sixty cents (60¢) per gallon.

"Each licensed wholesale distributor and importer of beverages enumerated in subsection (2) of G. S. 18-64 shall pay the excise tax levied by this Article on said beverages on or before the fifteenth day of the month following the calendar month in which they are first sold or disposed of within the State by said licensed wholesale distributor or importer. The provisions of subsection (c) through (l) inclusive, of this Section, shall also be applicable to the control of the sale of beverages enumerated in G. S. 18-64, subsection (2), G. S. 18-96 and G. S. 18-99."

Sec. 18. Amend G. S. 18-81 by striking out subsection (s).

Sec. 19. Amend G. S. 18-81, subsection (t) by renumbering same as subsection (p) and in line 3 by changing the letter (r) to the letter (o).

Sec. 20. Amend G. S. 18-81 by adding the following at the end thereof:

"(q) Each nonresident manufacturer, nonresident wholesaler, and foreign wholesaler of beverages enumerated in subsection (1) of G. S. 18-64 of this Article, then licensed by the Commissioner of Revenue to sell and/or deliver such beverages in North Carolina shall, if required by the Commissioner of Revenue, on or before January 15, 1968, make an advance lump sum excise tax payment, in cash or equivalent, to the Commissioner of Revenue, in an amount equal to each such nonresident manufacturer's, nonresident wholesaler's and foreign wholesaler's highest two months' tax liability for tax crowns, lids and stamps during the twelve-month period ending June 30, 1967. Each such advance lump sum excise tax payment shall be credited to the account of such nonresident manufacturer, nonresident wholesaler and foreign wholesaler by the Commissioner of Revenue, and, beginning on the first day of January 1969, and on the first day of each month thereafter, a refund in the amount of one-

twelfth of each advance lump sum excise tax payment shall be made by the Commissioner of Revenue to such nonresident manufacturer, nonresident wholesaler, or foreign wholesaler, until the total amount of such refunds equals the total amount of such advance lump sum excise tax payment.

"(r) As of the close of business on December 31, 1967, each nonresident manufacturer, nonresident wholesaler and foreign wholesaler then licensed by the Commissioner of Revenue to sell and/or deliver in North Carolina the beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99 shall take an inventory of all North Carolina tax-paid crowns, lids and stamps, affixed and unaffixed, in his possession and control and shall submit the results of such inventory to the North Carolina Commissioner of Revenue no later than January 15, 1968, verified on forms provided by the Commissioner.

"Upon receipt of each such verified inventory, the Commissioner of Revenue shall satisfy himself as to the accuracy of each such inventory and shall determine the total amount of tax payment represented thereby.

"(s) Each nonresident manufacturer, nonresident wholesaler and foreign wholesaler in possession of unaffixed tax-paid stamps as of the close of business on December 31, 1967, shall surrender such tax paid stamps to the Commissioner of Revenue within 60 days thereafter and shall claim refund therefor.

"(t) Each nonresident manufacturer, nonresident wholesaler and foreign wholesaler may claim refunds on his monthly report due on or before January 15, 1968, for the full amount of the tax paid by the affixation, before the effective date of this Act, of stamps, crowns or lids to the original containers of beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99, which containers are still in his possession and control on the effective date of this Act. The Commissioner of Revenue shall provide for a refund in the amount of the tax paid:

"(1) for said stamps, crowns and lids affixed before the effective date of this Act to containers in the possession and control of such manufacturer or wholesaler on such effective date;

"(2) for tax stamps returned unused to the Commissioner within 60 days after the effective date of this Act; and

"(3) for tax crowns and lids as to which the nonresident manufacturer, nonresident wholesaler or foreign wholesaler has submitted satisfactory proof to the Commissioner, on or before January 15, 1968, that said tax crowns and lids were in his possession as unused inventory on the effective date of this Act.

"The total of the refunds provided for in this subsection shall be credited to the account of said nonresident manufacturer, nonresident wholesaler or foreign wholesaler in the same manner as that provided in subsection (q) of this Section and shall be refunded to said nonresident manufacturer, nonresident wholesaler or foreign wholesaler in the same manner and in accordance with the schedule set forth in that subsection.

"Each nonresident manufacturer, nonresident wholesaler and foreign wholesaler shall, after determination of the amount of refund due him for his crown and lid inventory on the effective date of this Act, thereafter

be permitted to use the crowns and lids constituting that inventory on the beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99, solely as closures, without such use indicating payment of the North Carolina excise tax.

"(u) As of the close of business on December 31, 1967, each wholesale distributor and importer licensed to sell beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99 shall take an inventory of all such beverages in his possession and control having tax-paid crowns, lids and stamps affixed thereto and shall submit, verified on forms provided by the Commissioner, the results of such verified inventory to the Commissioner of Revenue no later than January 15, 1968. Upon receipt of each such verified inventory, the Commissioner of Revenue shall satisfy himself as to the accuracy of each such inventory and shall determine the total amount of the tax payment represented thereby.

"Each wholesale distributor and importer may claim credit or refund on his monthly report due on or before January 15, 1968, for the full amount of the tax represented by the inventory filed as required by this subsection. The Commissioner of Revenue shall provide for a credit or refund equal to the full amount of said tax to each wholesale distributor or importer claiming same.

"Each wholesale distributor or importer shall, after determination of the amount of credit or refund due him, thereafter be permitted to sell or otherwise dispose of all beverages enumerated in G. S. 18-64, G. S. 18-96 and G. S. 18-99 to which tax-paid crowns, lids or stamps are affixed, which are in his possession and control as of the close of business on December 31, 1967, and which have been reported in the inventory required by this subsection; provided that said crowns, lids or stamps shall not be considered evidence that the excise tax has been paid, on the beverages to which they are affixed."

Sec. 21. Amend G. S. 18-82 by rewriting same to read as follows:

"18-82. By Whom Excise Taxes Payable. The excise tax levied in G. S. 18-81 upon the sale of beverages enumerated in G. S. 18-64, subsection (1) shall be paid to the Commissioner of Revenue by the wholesale distributor or importer of such beverages, and the excise tax levied in G. S. 18-81 upon the sale of beverages enumerated in G. S. 18-64, subsection (2), G. S. 18-96 and G. S. 18-99 shall be paid to the Commissioner of Revenue by the wholesale distributor or importer of such beverages; provided that the excise tax levied in G. S. 18-81 shall be paid and collected on the same beverages only once. The Commissioner of Revenue shall require each wholesale distributor or importer to furnish bond in an indemnity company licensed to do business under the insurance laws of this State in such sums as the Commissioner of Revenue shall find adequate to cover the tax liability of each such wholesale distributor or importer, proportioned to the volume of business of each such wholesale distributor or importer, but in no event to be less than one thousand dollars ($1,000.00) or more than fifty thousand dollars ($50,000.00), or to deposit federal, State, county or municipal bonds in required amounts, such county and municipal bonds to be approved by the Commissioner of Revenue. The

Commissioner of Revenue may grant such extension of time for compliance with this condition as may be found reasonable."

Sec. 22. Amend G. S. 18-83.2 by striking out subsection (b) and (c) thereof.

Sec. 23. Amend G. S. 18-85.1 by striking out all of said Section after the first sentence thereof.

Sec. 24. Amend G. S. 18-88.2 by striking out the last sentence in said Section.

Sec. 25. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 26. This Act shall be in full force and effect from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. B. 551 **CHAPTER 760**

AN ACT TO AMEND G. S. 20-75 PERTAINING TO MOTOR VEHICLE REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-75, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting in line 4 of the first paragraph thereof immediately following the word "plate," the following words: "or a duly licensed insurance company taking such vehicle for sale or disposal for salvage purposes where such title is taken as a part of a bona fide claim settlement transaction and only for the purpose of resale,"; and by inserting at the end of line 6 thereof immediately following the word "dealer" the following words "or insurance company".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 205 **CHAPTER 761**

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE THAT ALL COUNTIES ADOPT A MODERN LOOSE-LEAF REGISTRATION BOOK SYSTEM OF VOTERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-65(a) is amended by deleting the second paragraph thereof and inserting in lieu thereof the following:

"In lieu of a bound book, the county boards of elections shall install a loose-leaf registration book system in all of the precincts of the county prior to January 1, 1970; provided that nothing herein shall alter the power of the county board of elections, with the approval of the county

board of commissioners, to establish by resolution a full-time system of registration as provided in G. S. 163-67(b). The necessary binders for the loose-leaf registration book system shall be purchased by each county. The State Board of Elections shall have authority to approve types, sizes and kinds of binders to be used for the loose-leaf registration book system. Uniform registration sheets of paper approved by the State Board of Elections which are necessary for the binders shall be furnished by the State Board of Elections from funds provided by the State from the contingency and emergency fund. One or more duplicate sets of registration sheets shall be maintained by the chairman of the county board of elections at all times in a safe place."

Sec. 2. G. S. 163-65(c) is amended by adding after the word "registration" in the heading and before the colon the words "or loose-leaf registration book system"; and by adding after the word "registration" and before the comma in the first line the words "or loose-leaf registration book system."

Sec. 3. G. S. 163-67(b) is amended by deleting from line 2 the word "permitted" and inserting in lieu thereof the word "required."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 481 CHAPTER 762

AN ACT TO PROVIDE FOR THE AUTOMATIC REVIEW ON APPEAL OF THE SUFFICIENCY OF EVIDENCE IN A CRIMINAL CASE.

The General Assembly of North Carolina do enact:

Section 1. Article 17 of Chapter 15 of the General Statutes, as the same appears in 1965 Replacement Volume 1C is hereby amended by adding a new Section immediately following G. S. 15-173, and immediately preceding G. S. 15-174, to be numbered G. S. 15-173.1, and to read as follows:

"§ 15-173.1. The sufficiency of the evidence of the State in a criminal case is reviewable upon appeal without regard to whether a motion has been made pursuant to G. S. 15-173 in the trial court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective immediately upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 510 **CHAPTER 763**

AN ACT TO AMEND G. S. 160-100 TO PROVIDE ALTERNATIVE METHODS OF MAINTAINING RECORDS OF SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-100 is hereby amended by adding at the end thereof a new paragraph to read as follows: "As an alternative to preparation of a Special Assessment Book, the governing body may in its discretion cause the information required by this Section to be recorded or stored on any ledger-type cards or machine cards or similar cards, or on magnetic or other recording tape, or on or in any machine or device or system of machines or devices, designed for and capable of the accurate storage and retrieval of intelligence or information. In the event any method authorized by this paragraph is used to record or store the required information, such information shall be made available in writing to any person upon request."

Sec. 2. The prior use by any municipality of any method authorized by this Act for recording or storing the information required by G. S. 160-100 is hereby in all respects validated.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 513 **CHAPTER 764**

AN ACT TO REMOVE THE LIMITATION AS TO WORKING HOURS OF GIRLS EMPLOYED IN MOTION PICTURE THEATERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 110-2 is hereby amended by striking out the last proviso in said Section and said proviso, which is hereby stricken out, reads as follows: "and provided further, that girls between the ages of seventeen and eighteen years may be employed as ticket takers, concession attendants, and cashiers in motion picture theaters up to 10:30 at night under such rules and regulations as the Commissioner of Labor may prescribe."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 540 **CHAPTER 765**

AN ACT TO AMEND THE PROVISIONS OF G. S. 45-37 RELATING TO THE DISCHARGE OF RECORD OF MORTGAGES AND DEEDS OF TRUST.

The General Assembly of North Carolina do enact:

Section 1. G. S. 45-37 is hereby amended by changing the period at the end of paragraph numbered 1, to a semicolon, and adding thereto the following: "Provided, however, that in those counties in which deeds of trust and mortgages are recorded in the offices of the register of deeds by a microphotographic process or by any other method of process which renders impractical or impossible the subsequent entering of marginal notations upon the records of instruments, the trustee or mortgagee or his or her legal representative, or the duly authorized agent or attorney of such trustee, mortgagee or legal representative must also present to the register of deeds or his deputy a document or instrument constituting a notice of satisfaction and containing the information set out in the provisions of G. S. 45-37.2, which notice of satisfaction must be signed by the trustee, mortgagee, legal representative or attorney, and witnessed by the register or his deputy, who shall also affix his name thereto, and which shall be recorded in accordance with law."

Sec. 2. G. S. 45-37 is hereby further amended by adding to paragraph number 2, at the end thereof, the following: "Provided, however, that in any county in which deeds of trust and mortgages or other instruments intended to secure the payment of money are recorded in the office of the register of deeds by microphotographic process or by any other method of process which renders impractical or impossible the subsequent entering of marginal notations upon the records of instruments, the register of deeds shall, in lieu of cancelling the mortgage or other entry by an entry of satisfaction on the margin of the record, require the person exhibiting such instruments to also sign a notice of satisfaction sufficient to comply with the provisions of G. S. 45-37.2, which said notice of satisfaction is to be recorded and indexed in accordance with law."

Sec. 3. Paragraph numbered 3 of G. S. 45-37 is hereby further amended by adding a new sentence at the end thereof to read as follows: "Provided, however, that in any county in which deeds of trust and mortgages and other instruments intended to secure the payment of money are recorded in the office of the register of deeds by microphotographic process or by any other method of process which renders impractical or impossible the subsequent entering of marginal notations upon the records of instruments, the register of deeds shall, in lieu of making an entry of cancellation in satisfaction on the margin of the record, require the presentation for recordation of a notice of satisfaction sufficient to comply with the provisions of G. S. 45-37.2."

Sec. 4. Paragraph numbered 4 of G. S. 45-37 is hereby further amended by adding a new sentence thereto to read as follows: "Provided, however, that in any county in which deeds of trust and mortgages are recorded in the office of the register of deeds by microphotographic process or by any other method of process which renders impractical or impossible

the subsequent entering of marginal notations upon the records of instruments, the register of deeds, in lieu of making notices of satisfaction and cancellation upon the recorded instruments, shall require the submission for recordation of a notice of satisfaction sufficient to comply with the provisions of G. S. 45-37.2."

Sec. 5. G. S. 45-37 is hereby further amended by adding a new sentence at the end thereof to read as follows: "Provided, however, that in any county in which deeds of trust and mortgages are recorded in the office of the register of deeds by microphotographic process or by any other method of process which renders impractical or impossible the subsequent entering of marginal notations upon the records of instruments, it shall not be necessary for the register of deeds, upon recording such affidavit, to refer on the margin of the record of the instrument referred to therein the fact of the filing of such affidavit, and a reference to the book and page where it is recorded."

Sec. 6. G. S. 45-37.2 is hereby amended by deleting the last sentence thereof.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 664 CHAPTER 766

AN ACT TO ESTABLISH A LIEN FOR UNPAID WATER AND SEWERAGE CHARGES IN THE TOWN OF LAKE LURE.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of G. S. 160-249 or G. S. 160-256 or any other provision of law, in case any charges for water service or sewerage service due and owing to the Town of Lake Lure are not paid within 10 days after the same becomes due, then such charges and any penalties assessed for nonpayment of the same shall become a lien upon the property served or in connection with which such service is used; provided, however, that no such charges shall become a lien unless the same were incurred by the owner of the particular property. Such charges and penalties may at any time thereafter be collected either by suit in the name of the Town, or by the Town tax collector by sale of the property upon and to which the lien attaches at the Town hall door, after advertising the sale once a week for two successive weeks in some newspaper having general circulation in the Town which is qualified to carry legal notices. The sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption, as are now provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

Sec. 2. In addition to any authority granted by general or local law to the Town of Lake Lure to finance sewage disposal facilities and sewage treatment facilities, the Board of Commissioners of the Town is

hereby authorized and empowered to levy assessments upon all properties which are now or will hereafter be connected to any sewage disposal or treatment facilities owned or constructed by the Town, for the purpose of financing, in whole or in part, the construction and operation of sewage disposal or treatment facilities. Such assessments shall apply uniformly within reasonable classifications to all properties now or hereafter connected to any disposal or treatment facilities owned or constructed by the Town; provided, however, the Board of Commissioners may establish higher assessments for property developed or to be developed for commercial, industrial, or institutional uses or purposes than those established for private residential use, and may base the assessments for residential property or hotel or, motel property upon the number of dwelling units served or to be served by such disposal or treatment facility.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 856 CHAPTER 767

AN ACT TO AMEND CHAPTER 87 OF THE SESSION LAWS OF 1961 RELATING TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 87 of the Session Laws of 1961, entitled, "An Act to Revise and Reorganize the Charter of the Town of Chapel Hill", is hereby amended by adding to Section 5.82, entitled "Extraterritorial Boundaries", in Chapter V, Article 1, Subchapter E, a new unnumbered paragraph to read as follows:

"At such time as may be agreed by the Board of Commissioners of the County of Orange and the Board of Aldermen of the Town of Chapel Hill, the boundaries of the territory within which the Board of Aldermen may exercise the aforesaid powers, shall be extended and include the territory described as follows: BEGINNING at the southeastern corner of Orange County where its line with Durham County intersects its line with Chatham County, thence westerly along the boundary line between Orange County and Chatham County, about four miles to a point at which U. S. Highway 15 and 501 intersect this line; thence in a generally northeasterly direction along a straight line to the point where Morgan Creek intersects the boundary between Orange County and Durham County, thence southwardly along the boundary line between Orange County and Durham County to the point of BEGINNING.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. B. 1210 **CHAPTER 768**

AN ACT TO AMEND CHAPTER 1155 OF THE SESSION LAWS OF 1957, AUTHORIZING PERSONS TO ENGAGE IN BUSINESS AS PAWNBROKERS IN UNINCORPORATED AREAS OF CUMBERLAND COUNTY, SO AS TO MAKE SAID ACT APPLICABLE TO ONSLOW COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 4 of Chapter 1155 of the Session Laws of 1957 is hereby amended by inserting the words "Onslow County" immediately following the words "Cumberland County" in said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. B. 211 **CHAPTER 769**

AN ACT TO AMEND ARTICLE 15 OF CHAPTER 53 OF THE GENERAL STATUTES RELATING TO THE COLLECTION OF CERTAIN LOANS BY LICENSEES UNDER THE NORTH CAROLINA CONSUMER FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-172 is hereby amended by rewriting said Section in its entirety to read as follows:

"Sec. 53-172. Conduct of Other Business in the Same Office. No licensee subject to the provisions of this Article shall conduct its business as a licensee in an office, or annex to an office, of any other business, but shall maintain an office in which only its business as a licensee shall be conducted. Installment paper dealers as defined in G. S. 105-83, and the collection by a licensee of loans legally made in North Carolina, or another state by another government regulated lender or lending agency, shall not be considered as being any other business within the meaning of this Section. This Section shall not be construed as authorizing the collection of any loans or charges in violation of the prohibitions contained in G. S. 53-190. The books, records, and accounts relating to loans shall be kept in such manner as the Commissioner of Banks prescribes as to delineate clearly the loan business from any installment dealer paper transactions."

Sec. 2. G. S. 53-190 of the General Statutes is hereby amended by rewriting said Section in its entirety to read as follows:

"Sec. 53-190. Loans Made Elsewhere. No loan contract made outside this State in the amount or of the value of six hundred dollars ($600.00) or less for which a greater consideration or charges than are authorized by Section 53-173 of this Article have been charged, contracted for, or received shall be enforced in this State and every person in anywise participating therein in this State shall be subject to the provisions of this Article; provided, that the foregoing shall not apply to loans legally

made in another state. No lender licensed to do business under this Article may collect, or cause to be collected, any loan made by a lender in another state to a borrower who was a legal resident of North Carolina at the time the loan was made. The purchase of a loan account shall not alter this prohibition."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 223 CHAPTER 770

AN ACT TO REQUIRE LICENSING OF THOSE WHO ENGAGE IN THE BUSINESS OF WARM AIR HEATING REQUIRING DUCT DISTRIBUTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 87-21(a) (4) is rewritten to read as follows:

"(4) The phrase 'heating, group number three' shall be deemed and held to be a direct heating system of a building which produces heat to raise the temperature of the space within the building for the purpose of comfort in which electric heating elements or products of combustion exchange heat either directly with the building supply air or indirectly through a heat exchanger and using an air distribution system of ducts."

Sec. 2. G. S. 87-21(a) is hereby amended by adding at the end thereof the following subdivisions:

"(7) The word 'heating' shall be deemed and held to mean heating group number one, heating group number two, heating group number three, or any combination thereof.

"(8) The obtaining of a license, as required by this Article, shall not of itself authorize the practice of another profession or trade for which a State qualification license is required."

Sec. 3. G. S. 87-21(a) (5) as the same appears in 1965 Replacement Volume 2C of the General Statutes is hereby amended by inserting after the word "two" in line 3, the following:

"or heating group number three,".

Sec. 4. G. S. 87-21(b) as the same appears in 1965 Replacement Volume 2C of the General Statutes is hereby amended by:

(1) Inserting after the word "two", in line 9, the following: "or heating group number three,".

(2) Inserting after the word "two", in line 15 the following: "or heating group number three,".

(3) Inserting after the word "two", in line 17, the following: "or heating group number three,".

Sec. 5. G. S. 87-21 is hereby amended by adding a new subsection after subsection (e) to read as follows:

"(f) Any person who produces satisfactory evidence on application forms to be provided by said Board, that he resided in the State of North Carolina as of the date of ratification of this Act; that he is engaged

in the business of heating group number three; and that he has paid the current required State revenue tax, shall be granted a license without examination, to conduct the business of heating group number three, as defined herein, upon completion of an application approved by said Board and payment of the annual license fee; provided however that such application shall have been submitted to said Board on or before one year after July 1, 1967."

Sec. 6. G. S. 87-21(d) is hereby rewritten to read as follows:

"(d) License Granted Without Examination. Persons who were engaged in business as defined in this Act, in cities or towns which attained a population of more than 3500, as recorded by the last decennial United States census, and who had paid the required State revenue tax within the census year in which the municipality attained a population of more than 3500, shall be granted a certificate of license in the classification in which they are qualified, without examination, upon documented proof as required by the Board, within 12 months after publication of the last official United States census, and payment of the annual license fee."

Sec. 7. G. S. 87-26 is hereby amended by adding a new subsection after subsection (d) to read as follows:

"(e) It shall be necessary that persons licensed in accordance with the provisions of this Section shall exercise general supervision over contracts to completion."

Sec. 8. If any provision of this Act, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 436 CHAPTER 771

AN ACT TO AMEND G. S. 130-177 SO AS TO INCREASE THE FEES CHARGED IN ADMINISTERING THE LAW RELATING TO THE MANUFACTURE OF BEDDING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-177, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by striking out the words and figures "ten dollars ($10.00)" in line 5 and in line 17 thereof and inserting the words and figures "twelve dollars ($12.00)" in each place in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 479 **CHAPTER 772**

AN ACT TO AMEND ARTICLE 20B OF CHAPTER 153 OF THE GENERAL STATUTES, RELATING TO ZONING AUTHORITY OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-266.10(5) is hereby amended by inserting immediately after the word "industry", the words "mining and quarrying,".

Sec. 2. This Act shall apply only to Nash County and shall not affect any mining and quarrying rights now in litigation or mining and quarrying operations established and in operation prior to the date of ratification thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 541 **CHAPTER 773**

AN ACT TO AUTHORIZE AND PROVIDE FOR AN ELECTION OR REFERENDUM ON THE LEVY OF A SUPPLEMENTAL SCHOOL TAX IN THE HENDERSON COUNTY SCHOOL ADMINISTRATIVE UNIT.

The General Assembly of North Carolina do enact:

Section 1. Within two years from the effective date of this Act and upon the request of the Henderson County Board of Education, the County Board of Elections of Henderson County shall call and hold an election in the Henderson County School Administrative Unit, administered by the Board of Education of Henderson County, for the purpose of submitting to the electors who reside in and are residents of the Henderson County School Administrative Unit the question of whether or not a local supplemental school tax, not to exceed forty cents (40¢) on the one hundred dollars ($100.00) valuation of property, real and personal, shall be levied, the proceeds of which are to be used to supplement the current expense funds from State and county allotments and thereby to operate schools of a higher standard and for the purposes for which supplemental tax funds may be used as set forth in Chapter 115 of the General Statutes.

Sec. 2. The County Board of Elections of Henderson County shall hold said election under the rules governing elections as set forth in G. S. 115-122 and any other pertinent provision of Article 14 of Chapter 115 of the General Statutes, as amended. The County Board of Elections of Henderson County shall have authority to establish new voting precincts where the same are needed, to provide election officials for said new precincts, and to provide for a new registration of voters in any and every precinct, old or new, in which it deems it to be necessary, such registration procedure to be in accordance with the registration provisions of G. S.

115-122 insofar as they may be made applicable. The ballot to be used in said election or referendum shall have printed on same the words:

"FOR local supplemental school tax not to exceed forty cents (40¢) on the one hundred dollars ($100.00) valuation of real and personal property.

"AGAINST local supplemental school tax not to exceed forty cents (40¢) on the one hundred dollars ($100.00) valuation of real and personal property."

All details of said election shall be fixed and administered by the Henderson County Board of Elections, and in case any question arises which is not governed by G. S. 115-122, then the same shall be governed as nearly as possible by the general election law of the State as contained in Chapter 163 of the General Statutes, as amended.

Sec. 3. If a majority of the qualified voters or electors residing or having residence in the Henderson County School Administrative Unit voting at such election shall vote in favor of the supplemental school tax as above submitted, then in that event the tax levying authorities shall levy said supplemental school tax not to exceed forty cents (40¢) on the one hundred dollars ($100.00) valuation of real and personal property to be budgeted and spent for appropriate supplemental school tax purposes. If a majority of the qualified voters or electors voting in such election shall vote against said supplemental school tax, then no such tax shall be levied.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 550 CHAPTER 774

AN ACT TO AMEND G. S. 106-557 AND 106-562 SO AS TO REDUCE FROM SIXTY TO THIRTY DAYS THE NOTICE REQUIRED TO HOLD REFERENDUMS FOR SELF ASSESSMENTS FOR THE PROMOTION OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-557 is amended by striking from line 5 thereof the word "sixty" and substituting in lieu thereof the word "thirty".

Sec. 2. G. S. 106-562 is amended by striking from line 10 thereof the word "sixty" and substituting in lieu thereof the word "thirty".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 146 **CHAPTER 775**

AN ACT TO RECODIFY CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA ENTITLED "ELECTIONS AND ELECTION LAWS."

The General Assembly of North Carolina do enact:

Section 1. Chapter 163 of the General Statutes, entitled "Elections and Election Laws", is hereby rewritten, and there is hereby inserted in the General Statutes a new chapter to read as follows:

SUBCHAPTER I.

TIME OF PRIMARIES AND ELECTIONS

Article 1.

Time of Primaries and Elections.

§ 163-1. Time of Regular Elections and Primaries. (a) Unless otherwise provided by law, elections for the offices listed in the tabulation contained in this Section shall be conducted in all election precincts of the territorial units specified in the column headed "Jurisdiction" on the dates indicated in the column headed "Date of Election." Unless otherwise provided by law, officers shall serve for the terms specified in the column headed "Term of Office."

(b) On the last Saturday in May preceding each general election to be held in November for the offices referred to in subsection (a) of this Section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices.

(c) On Tuesday next after the first Monday in November in the year 1968, and every four years thereafter, or on such days as the Congress of the United States shall direct, an election shall be he'd in all of the election precincts of the State for the election of electors of President and Vice President of the United States. The number of electors to be chosen shall be equal to the number of Senators and Representatives in Congress to which this State may be entitled. Presidential electors shall not be nominated by primary election; instead, they shall be nominated in a State convention of each political party as defined in § 163-96 unless otherwise provided by the plan of organization of the political party. One presidential elector shall be nominated from each congressional district and two from the State at large.

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Lieutenant Governor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Secretary of State	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Auditor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Treasurer	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Superintendent of Public Instruction	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Attorney General	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Agriculture	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Commissioner of Labor	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
Commissioner of Insurance	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms last for four years	State	Tuesday next after the first Monday in November 1968 and every four years thereafter	Four years, from first day of January next after election
All other State officers whose terms are not specified by law	State	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from first day of January next after election
State Senator	Senatorial district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Member of State House of Representatives	Representative district	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
Justices of the Supreme Court	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election
Judges of the Superior Courts	State	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Eight years, from first day of January next after election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Judges of the District Courts	District court district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from the first Monday in December next after election
Solicitors	Solicitorial district	At the regular election for members of the General Assembly immediately preceding the termination of each regular term	Four years, from first day of January next after election
Members of House of Representatives of the Congress of the United States	Congressional district, except as modified by § 163-104	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years
United States Senators	State	At the regular election for Governor immediately preceding the termination of each regular term	Six years
County Commissioners	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Two years, from the first Monday in December next after election
Clerk of Superior Court	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
Register of Deeds	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election

OFFICE	JURISDICTION	DATE OF ELECTION	TERM OF OFFICE
Sheriff	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
Coroner	County	At the regular election for members of the General Assembly immediately preceding the termination of a regular term	Four years, from the first Monday in December next after election
County Treasurer (in counties in which elected)	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
All other county officers to be elected by the people	County	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
Constable	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
Justice of the Peace (in counties in which elected)	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election
All other township officers to be elected by the people	Township	Tuesday next after the first Monday in November 1968 and every two years thereafter	Two years, from the first Monday in December next after election

§ 163-2. Hours of Primaries and Elections. In all primaries, general elections, special elections, and referenda held in this State, including those held in and for municipalities, the polls shall be opened at 6:30 a.m., and shall be closed at 6:30 p.m.: Provided, however, that at voting places at which voting machines are used the responsible county board of elections may permit the polls to be closed at 7:30 p.m.

§ 163-3 through § 163-7 reserved for future use.

Article 2.

Time of Elections to Fill Vacancies.

§ 163-8. Filling Vacancies in State Executive Offices. If the office of Governor or Lieutenant Governor shall become vacant, the provisions of § 147-11.1 shall apply. If the office of any of the following officers shall be vacated by death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance. Each such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired four-year term: Provided, that when a vacancy occurs in any of the offices named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an acting officer to perform the duties of that office until a person is appointed or elected pursuant to this Section and Section 13, Article III, of the State Constitution, to fill the vacancy and is qualified.

§ 163-9. Filling Vacancies in State and District Judicial Offices. Vacancies occurring in the offices of Justice of the Supreme Court and Judge of the Superior Court for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

Vacancies in the office of district judge which occur before the expiration of a term shall not be filled by election. Instead, such a vacancy shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district in which the vacancy occurs. If the district bar fails to submit nominations within two weeks from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations.

§ 163-10. Filling Vacancy in Office of Solicitor. Any vacancy occurring in the office of solicitor for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.

§ 163-11. Filling Vacancies in the General Assembly. If a vacancy shall occur in the General Assembly by death, resignation, or otherwise than by expiration of term, the Governor shall immediately appoint for the unexpired part of the term the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the party executive committee of the county in which he was resident.

§ 163-12. Filling Vacancy in United States Senate. Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor shall issue his writ for the election of a Senator to be held at the time of the first election for members of the General Assembly that is held more than 30 days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns.

§ 163-13. Filling Vacancy in United States House of Representatives. (a) Special Election: If at any time after expiration of any Congress and before another election, or if at any time after an election, there shall be a vacancy in this State's representation in the House of Representatives of the United States Congress, the Governor shall issue a writ of election, and by proclamation fix the date on which an election to fill the vacancy shall be held in the appropriate congressional district.

(b) Nominating Procedures: If a congressional vacancy occurs within eight months preceding the next succeeding general election, candidates for the special election to fill the vacancy shall not be nominated in primaries. Instead, nominations may be made by the political party congressional district executive committees in the district in which the vacancy occurs. The chairman and secretary of each political party congressional district executive committee nominating a candidate shall immediately certify his name and party affiliation to the State Board of Elections so that it may be printed on the special election ballots.

If the congressional vacancy occurs more than eight months prior to the next succeeding general election, the Governor shall call a special primary for the purpose of nominating candidates to be voted on in a special election called by the Governor in accordance with the provisions of subsection (a) of this Section. Such a primary election shall be conducted in accordance with the general laws governing primaries, except that the

closing date for filing notices of candidacy with the State Board of Elections shall be fixed by the Governor in his call for the special primary.

§ 163-14 through § 163-18 reserved for future use.

SUBCHAPTER II.
ELECTION OFFICERS

Article 3.
State Board of Elections.

§ 163-19. State Board of Elections; Appointment; Term of Office; Vacancies; Oath of Office. All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 1969, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the Board shall be members of the same political party.

Any vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term.

At the first meeting held after new appointments are made, the members of the State Board of Elections shall take the following oath:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State; and that I will well and truly execute the duties of the office of Member of the State Board of Elections according to the best of my knowledge and ability, according to law; so help me, God."

After taking the prescribed oath, the Board shall organize by electing one of its members chairman and another secretary.

§ 163-20. Meetings of Board; Quorum; Minutes. The State Board of Elections shall meet at the call of the chairman whenever necessary to discharge the duties and functions imposed upon it by this chapter. The Board shall meet at such times and places in the City of Raleigh as the chairman may appoint unless required to meet elsewhere under the provisions of § 163-23.

The chairman of the State Board of Elections shall call a meeting of the Board upon the application in writing of any two members thereof. If there be no chairman, or if the chairman does not call a meeting after receiving a written request from two members, any three members of the Board shall have power to call a meeting of the Board, and any duties imposed or powers conferred by this chapter may be performed or exercised at that meeting, although the time for performing or exercising the same prescribed by this chapter may have expired.

A majority of the members shall constitute a quorum for the transaction of Board business. If at any meeting any member of the Board shall fail to attend, and by reason thereof there is a failure of a quorum, the members attending shall adjourn from day to day, for not more than three days, at the end of which time, if there should be no quorum, the Governor may remove the members failing to attend summarily and appoint their successors.

The State Board of Elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the office of the Board in Raleigh.

§ 163-21. Compensation of Board Members. The members of the State Board of Elections shall be compensated for the time they are actually engaged in the discharge of their duties and for their traveling and other expenses necessary and incidental to the discharge of their duties in accordance with the provisions of Chapter 138 of the General Statutes.

§ 163-22. Powers and Duties of State Board of Elections. (a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this chapter.

(b) From time to time, the Board shall publish and furnish to the county boards of elections and other election officials a sufficient number of indexed copies of all election laws and Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the Board shall deem necessary.

(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them as to the proper methods of conducting primaries and elections. The Board shall require such reports from the county boards and election officers as are provided by law, or as are deemed necessary by the Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers. In performing these duties, the Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county board member affected and give him an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections.

(d) The State Board of Elections shall investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county, and shall report violations of the election laws to the Attorney General or solicitor or prosecutor of the district for further investigation and prosecution.

(e) The State Board of Elections shall determine, in the manner provided by law, the form and content of ballots, instruction sheets, poll books, tally sheets, abstract and return forms, certificates of election, and other forms to be used in primaries and elections. The Board shall furnish to the county boards of elections registration and poll books, cards, blank forms, instruction sheets, and forms necessary for the registration of voters and for holding primaries and elections in the counties. In the preparation and distribution of ballots, poll books, abstract and return forms, and all other forms, the State Board of Elections shall call to its aid the Attorney General of the State, and it shall be the duty of the Attorney General to advise and aid in the preparation of these books, ballots, and forms.

(f) The State Board of Elections shall prepare, print, and distribute to the county boards of elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties. The Board shall instruct the county boards of elections as to the printing of county and local ballots.

(g) The State Board of Elections shall certify to the appropriate county boards of elections the names of candidates for district offices who have filed notice of candidacy with the Board and whose names are required to be printed on county ballots.

(h) It shall be the duty of the State Board of Elections to tabulate the primary and election returns, to declare the results, and to prepare abstracts of the votes cast in each county in the State for offices which, according to law, shall be tabulated by the Board.

(i) The State Board of Elections shall make such recommendations to the Governor and legislature relative to the conduct and administration of the primaries and elections in the State as it may deem advisable.

§ 163-23. Powers of Chairman in Execution of Board Duties. In the performance of the duties enumerated in § 163-22, the chairman of the State Board of Elections shall have power to administer oaths, issue subpoenas, summon witnesses, compel the production of papers, books, records and other evidence. He shall also have power to fix the time and place for hearing any matter relating to the administration and enforcement of the election laws: Provided, however, the place of hearing shall be the county in which the irregularities are alleged to have been committed.

§ 163-24. Power of State Board of Elections to Maintain Order. The State Board of Elections shall possess full power and authority to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of the State Board of Elections or its chairman, or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the person so offending to the common jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by the State Board of Elections in writing, and the keeper of the jail shall

receive the person so committed and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this Section shall have the right to post a two hundred dollar ($200.00) bond with the Clerk of the Superior Court and appeal to the Superior Court for a trial on the merits of his commitment.

§ 163-25 through § 163-29 reserved for future use.

Article 4.

County Board of Elections.

§ 163-30. County Boards of Elections; Appointments; Term of Office; Qualifications; Vacancies; Oath of Office. In every county of the State there shall be a county board of elections to consist of three persons of good moral character, who are registered voters in the county in which they are to act. Members of county boards of elections shall be appointed by the State Board of Elections on the Friday before the tenth Saturday preceding each primary election, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Not more than two members of the county board of elections shall belong to the same political party.

No person shall serve as a member of the county board of elections who holds any elective public office or who is a candidate for any office in the primary or election.

No person, while acting as a member of a county board of elections, shall serve as a county campaign manager of any candidate in a primary or election.

The State chairman of each political party shall have the right to recommend to the State Board of Elections three registered voters in each county for appointment to the board of elections for that county. If such recommendations are received by the Board fifteen or more days before the tenth Saturday before the primary is to be held, it shall be the duty of the State Board of Elections to appoint the county boards from the names thus recommended.

Whenever a vacancy occurs in the membership of a county board of elections for any cause other than removal by the State Board of Elections, the State chairman of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board of Elections to fill the vacancy from the names thus recommended.

At the meeting of the county board of elections required by § 163-31 to be held on the ninth Saturday before the primary, the members shall take the following oath of office:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of

the office of Member of the ..... County Board of Elections to the best of my knowledge and ability, according to law; so help me, God."

§ 163-31. Meetings of County Boards of Elections; Quorum; Minutes. In each county of the State the members of the county board of elections shall meet at the courthouse or board office at noon on the ninth Saturday before each primary election and, after taking the oath of office provided in § 163-30, they shall organize by electing one member chairman and another member secretary of the county board of elections. On the seventh Saturday before each primary election the county board of elections shall meet and appoint precinct registrars and judges of elections. The board may hold other meetings at such times and places as the chairman of the board, or any two members thereof, may direct, for the performance of duties prescribed by law. A majority of the members shall constitute a quorum for the transaction of board business.

The county board of elections shall keep minutes recording all proceedings and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept in the board office if there be one, otherwise, the minute book shall remain in the custody of the secretary of the board.

§ 163-32. Compensation of Members of County Boards of Elections. In full compensation for their services, members of the county board of elections (including the chairman) shall be paid by the county fifteen dollars ($15.00) per day for the time they are actually engaged in the discharge of their duties, together with reimbursement for expenditures necessary and incidental to the discharge of their duties. In its discretion, the board of county commissioners of any county may pay the chairman of the county board of elections compensation in addition to the per diem and expense allowance provided in this paragraph.

Counties which adopt full-time and permanent registration shall not be bound by the provisions of the preceding paragraph; in such counties the compensation of members of the county board of elections (including the chairman) shall be determined by the board of county commissioners.

In all counties the board of elections shall pay its clerk, assistant clerks, and other employees such compensation as it shall fix within budget appropriations. Counties which adopt full-time and permanent registration shall have authority to pay executive secretaries and special registration commissioners whatever compensation they may fix within budget appropriations.

§ 163-33. Powers and Duties of County Boards of Elections. The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(a) To make and issue such rules, regulations, and instructions, not inconsistent with law or the rules established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters.

(b) To appoint all registrars, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any registrar, judge of elections, assistant,

or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory cause.

(c) To investigate irregularities, nonperformance of duties, and violations of laws by election officers and other persons, and to report violations to the prosecuting authorities; in connection with any such investigation, to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence.

(d) As provided in § 163-128, to establish, define, provide, rearrange, discontinue, and combine election precincts as it may deem expedient, and to fix and provide for places of registration and for holding primaries and elections.

(e) To review, examine, and certify the sufficiency and validity of petitions and nomination papers.

(f) To advertise and contract for the printing of ballots and other supplies used in registration and elections; and to provide for the delivery of ballots, poll books, and other required papers and materials to the voting places.

(g) To provide for the purchase, preservation, and maintenance of voting booths, ballot boxes, registration and poll books, maps, flags, cards of instruction, and other forms, papers, and equipment used in registration, nominations, and elections; and to cause the voting places to be suitably provided with voting booths and other supplies required by law.

(h) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law.

(i) To receive the returns of primaries and elections, canvass the returns, make abstracts thereof, transmit such abstracts to the proper authorities, and to issue certificates of election to county officers and members of the General Assembly except those elected in districts composed of more than one county.

(j) To appoint and remove the board's clerk, assistant clerks, and other employees.

(k) To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.

(l) To perform such other duties as may be prescribed by this chapter or the rules of the State Board of Elections.

§ 163-34. Power of County Board of Elections to Maintain Order. Each county board of elections shall possess full power to maintain order, and to enforce obedience to its lawful commands during its sessions, and shall be constituted an inferior court for that purpose. If any person shall refuse to obey the lawful commands of any county board of elections, or by disorderly conduct in its hearing or presence shall interrupt or disturb its proceedings, it may, by an order in writing, signed by its chairman, and attested by its secretary, commit the person so offending to the common jail of the county for a period not exceeding 30 days. Such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by the county board of elections in writing, and the keeper of the jail shall receive the person so committed

and safely keep him for such time as shall be mentioned in the commitment: Provided, that any person committed under the provisions of this Section shall have the right to post a two hundred dollar ($200.00) bond with the Clerk of the Superior Court and appeal to the Superior Court for a trial on the merits of his commitment.

§ 163-35. Executive Secretary to County Board of Elections in County Having Full-time and Permanent Registration. In counties which adopt full-time and permanent registration the county board of elections shall have the power, by majority vote, to appoint an executive secretary to serve at the will of the board. No person shall serve as an executive secretary who holds any elective public office or who is a candidate for any office in a primary or election, or who holds an official position with any political party.

The county board of elections shall have authority, by resolution adopted by majority vote, to delegate to its executive secretary so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be, vested in it or them as the county board of elections may see fit: Provided, that the board shall not delegate to an executive secretary any of its quasi-judicial or policy-making duties and authority. Within the limitations imposed upon him by the resolution of the county board of elections, the acts of a properly appointed executive secretary shall be deemed to be the acts of the county board of elections, its officers and members.

§ 163-36 through § 163-40 reserved for future use.

Article 5.

Precinct Election Officials.

§ 163-41. Precinct Registrars and Judges of Election; Special Registration Commissioners; Appointment; Terms of Office; Qualifications; Vacancies; Oaths of Office. (a) Appointment of Registrar and Judges. At the meeting required by § 163-31 to be held on the seventh Saturday before each primary election, the county board of elections shall appoint one person to act as registrar and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and resident of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the registrar, provided, however, that in a primary election in which only one political party participates all of the precinct officials shall be chosen from that party. For purposes of this Section, the second primary provided for in § 163-111 shall be considered part of the first primary and not a separate primary election.

No person holding any office or place of trust or profit under the government of the United States, or of the State of North Carolina, or any political subdivision thereof, shall be eligible to appointment as a precinct election official: Provided, that nothing herein contained shall

extend to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes.

No person who is a candidate for nomination or election shall be eligible to serve as a registrar or judge of election.

The chairman of each political party in the county shall have the right to recommend from three to five registered voters in each precinct, who are residents of the precinct, and who have good moral character and are able to read and write, for appointment as registrar and judges of election in that precinct. If such recommendations are received by the county board of elections before the seventh Saturday before the primary is to be held, it may make precinct appointments from the names thus recommended, although it shall not be required to do so.

If, at any time other than on the day of a primary or election, a registrar or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed.

If any person appointed registrar shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as registrar until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the registrar shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

Before entering upon his duties each registrar shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as registrar of ..... precinct, ... County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify

in a judicial proceeding for a violation of the election laws of this State; so help me, God."

Before the opening of the polls on the morning of the primary or election, the registrar shall administer the oath set out in the preceding paragraph to each judge of election and assistant, substituting for the word "registrar" the words "judge of elections in" or "assistant in", whichever is appropriate.

(b) Appointment of Special Registration Commissioners. In counties which adopt full-time and permanent registration the county board of elections may, in addition to registrars, select persons of good repute to act as special registration commissioners. Persons appointed as registration commissioners shall serve for two years, but their authority may be terminated by the county board of elections at any time without cause.

In counties which adopt full-time and permanent registration the chairman of each political party shall have the right to recommend registered voters who are residents of the county for appointment as special registration commissioners. If such recommendations are received by the county board of elections before the seventh Saturday before the primary is to be held, that board may make appointments from the names thus recommended, although it shall not be required to do so.

Before entering upon his duties each special registration commissioner shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will administer the duties of my office as special registration commissioner for ..... County without fear or favor, to the best of my knowledge and ability, according to law; so help me, God."

(c) Publication of Names of Precinct Officials. Immediately after appointing registrars, judges, and special registration commissioners as herein provided, the county board of elections shall publish the names of the persons appointed in some newspaper having general circulation in the county or, in lieu thereof, at the courthouse door, and shall notify each person apointed of his appointment, either by letter or by having a notice served upon him by the sheriff.

§ 163-42. Assistants at Polls; Appointment; Term of Office; Qualifications; Oath of Office. Within the limits set by this Section, the county board of elections shall have authority to appoint an assistant or assistants for each precinct within the county to aid the registrar and judges. Assistants shall, in all cases, be qualified voters of the precinct for which appointed. No other assistants shall be appointed for any precinct. Assistants serve for the primary or election for which appointed and no longer.

No person who is a candidate for nomination or election shall be eligible to serve as an assistant.

In a precinct in which voting machines are not used, the county board of elections may appoint one assistant for each 300 voters registered in that precinct. In a precinct in which voting machines are used, the board may appoint one assistant for each 500 voters registered in that precinct.

Before entering upon the duties of his office, each assistant shall take the oath prescribed in § 163-41(a) to be administered by the registrar of the precinct for which the assistant is appointed.

§ 163-43. Ballot Counters; Appointment; Qualifications; Oath of Office. The county board of elections of any county may authorize the use of precinct ballot counters to aid the registrars and judges of election in the counting of ballots in any precinct or precincts within the county. The county board of elections shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the board may delegate authority to make such appointments to the precinct registrar, specifying the number of ballot counters to be appointed for each precinct.

Upon acceptance of appointment, each ballot counter shall appear before the precinct registrar at the voting place immediately at the close of the polls on the day of the primary or election and take the following oath to be administered by the registrar:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will honestly discharge the duties of ballot counter in ..... precinct, ... County, for the primary (or election) held this day, and that I will fairly and honestly tabulate the votes cast in said primary (or election); so help me, God."

The names and addresses of all ballot counters serving in any precinct, whether appointed by the county board of elections or by the registrar, shall be reported by the registrar to the county board of elections at the county canvass following the primary or election.

§ 163-44. Markers for General Elections; Appointment; Qualifications; Oath of Office. Before each general election, a sufficient number of markers, whose duty it shall be to assist voters in the preparation of their ballots, shall be appointed for each precinct. The appointments shall be made by the county board of elections in consultation with the precinct registrar. In appointing markers, fair representation shall be given to each political party whose candidates appear upon the ballot. To this end, not more than 10 days before any election, the chairman of each political party in the county shall have the right to recommend not fewer than 10 registered voters in each precinct for appointment as markers to represent the party at the election in the precinct. All markers shall be appointed from the names thus recommended.

Persons appointed as markers must be registered voters and residents of the precinct for which appointed, of good moral character, and able

to read and write. Elected officers and candidates for elective office shall be ineligible to serve as markers, but all other governmental employees shall be eligible to serve as markers.

Before the opening of the polls on the morning of the election, the registrar shall administer the following oath to each marker:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; that I will administer the duties of my office as marker in ..... precinct, ... County, to the best of my knowledge and ability; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within the voting booth, and will not disclose the same, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

The provisions of this Section shall not apply to primary elections, nor shall they apply to counties which adopt full-time and permanent registration.

§ 163-45. Watchers; Appointment. The chairman of each political party in the county shall have the right to appoint two watchers to attend each voting place at each primary and election: Provided, that in a primary this right shall not extend to the chairman of a political party unless that party is participating in the primary. In any election in which an independent candidate is named on the ballot, he or his campaign manager shall have the right to appoint two watchers for each voting place. Watchers serve also as challengers. Persons appointed as watchers must be registered voters of the precinct for which appointed and must have good moral character. Watchers shall take no oath of office.

Individuals authorized to appoint watchers must submit in writing to the registrar of each precinct a signed list of the watchers appointed for that precinct. The registrar and judges of election for the precinct may for good cause reject any appointee and require that another be appointed.

A watcher shall do no electioneering at the voting place, and he shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting his ballot, but, subject to these restrictions, the registrar and judges of elections shall permit him to make such observation and take such notes as he may desire.

§ 163-46. Compensation of Precinct Officials and Assistants. The precinct registrar shall be paid the sum of fifteen dollars ($15.00) per day for his services on the day of a primary or election and for each Saturday during the period of registration that he attends the voting place for the purpose of registering voters. Judges of election and assistants shall each be paid for their services on the day of a primary or election the sum of ten dollars ($10.00). Registrars and judges of election shall be paid at the per diem rate specified above for attending any meeting called by the

chairman of the county board of elections relating to their duties in any primary or election. A person appointed to serve as registrar or judge of election when a previously appointed registrar or judge fails to appear at the voting place or leaves his post on the day of an election or primary, shall be paid the same compensation as a registrar or judge appointed prior to that date. In its discretion, the board of commissioners of any county may provide funds with which the county board of elections may pay registrars, judges, and assistants compensation in addition to the per diem provided in this Section. Ballot counters, markers, and watchers shall be paid no compensation for their services.

Counties which adopt full-time and permanent registration shall not be bound by the provisions of the preceding paragraph; in such counties the compensation of precinct registrars, judges of election, assistants, and ballot counters shall be determined by the county board of elections within budget appropriations.

§ 163-47. Powers and Duties of Registrars and Judges of Election. (a) The registrars and judges of election shall conduct the primaries and elections within their respective precincts fairly and impartially, and they shall enforce peace and good order in and about the place of registration and voting.

(b) The registrar shall have in his charge the actual registration of voters within his precinct and shall not delegate this responsibility. On the days required by law, he shall attend the voting place for the registration of new voters and for hearing challenges, but in the performance of these duties the registrar shall be subject to the observance of such reasonable rules and regulations as the county board of elections may prescribe, not inconsistent with law. On the day of an election or primary, the registrar shall have charge of the registration book for the purpose of passing on the registration of persons who present themselves at the polls to vote.

(c) The registrars and judges shall hear challenges of the right of registered voters to vote as provided by law.

(d) The registrars and judges shall count the votes cast in their precincts and make such returns of the same as is provided by law.

(e) The registrars and judges shall make such an accounting to the chairman of the county board of elections for ballots and for election supplies as is required by law.

(f) The registrar and judges of election shall act by a majority vote on all matters not assigned specifically by law to the registrar or to a judge.

§ 163-48. Maintenance of Order at Place of Registration and Voting. The registrar and judges of election shall enforce peace and good order in and about the place of registration and voting. They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. They shall protect challengers and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any

provisions of the election laws. They shall prevent riots, violence, tumult, or disorder.

In the discharge of the duties prescribed in the preceding paragraph of this Section, the registrar and judges may call upon the sheriff, the police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so. The sheriff, constables, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The registrar and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting.

§ 163-49 through § 163-53 reserved for future use.

SUBCHAPTER III.

QUALIFYING TO VOTE

Article 6.

Qualifications of Voters.

§ 163-54. Registration a Prerequisite to Voting. Only such persons as are legally registered shall be entitled to vote in any primary or election held under this chapter.

§ 163-55. Qualifications to Vote; Exclusion from Electoral Franchise. Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina for one year and in the precinct in which he offers to register and vote for 30 days next preceding the ensuing election shall, if otherwise qualified as prescribed in this chapter, be qualified to register and vote in the precinct in which he resides: Provided, that removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which he has removed until 30 days after his removal.

The following classes of persons shall not be allowed to register or vote in this State:

1. Persons under 21 years of age.
2. Idiots and lunatics.
3. Persons who have been convicted, or who have confessed their guilt in open court, upon indictment, of any crime the punishment for which is now or may hereafter be imprisonment in the State's Prison, unless he shall have had his rights of citizenship restored in the manner prescribed by law.

§ 163-56. State Residence Requirement Shortened for Presidential Elections. A person who has been a resident of this State for not less than 60 days immediately prior to the date of a presidential election shall be entitled to register and vote for presidential and vice presidential electors in such election but for no other offices, provided he is then qualified to register and vote in this State except for the fact that he has not resided in this State for one year prior to the election. The procedure

by which new resident voters shall register under the provisions of this Section is prescribed in § 163-73.

§ 163-57. Residence Defined for Registration and Voting. All registrars and judges, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

(1) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

(2) A person shall not be considered to have lost his residence who leaves his home and goes into another State or county of this State, for temporary purposes only, with the intention of returning.

(3) A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.

(4) If a person removes to another State or county within this State, with the intention of making such State or county his permanent residence, he shall be considered to have lost his residence in the State or county from which he has removed.

(5) If a person removes to another State or county within this State, with the intention of remaining there an indefinite time and making such State or county his place of residence, he shall be considered to have lost his place of residence in this State or the county from which he has removed, notwithstanding he may entertain an intention to return at some future time.

(6) If a person goes into another State or county, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.

(7) School teachers who remove to a county for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live in the county in which their parents or other relatives reside, and who do not have the intention of becoming residents of the county to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county in which their parents or other relatives reside.

(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service unless he votes there, and the place at which he resided at the time of his removal shall be considered and held to be his place of residence.

(9) If a person removes to a county to engage in the service of the State government, he shall not be considered to have lost his residence in the county from which he removed, unless he demonstrates a contrary intention.

§ 163-58. Literacy. Only such persons as are able to read and write any Section of the Constitution of North Carolina in the English language shall be entitled to register and vote in any primary or election held under this chapter.

§ 163-59. Right to Participate or Vote in Party Primary. No person shall be entitled to vote or otherwise participate in the primary election of any political party unless he

1. Is a registered voter, and

2. Has declared and has had recorded on the registration book or record the fact that he affiliates with the political party in whose primary he proposes to vote or participate, and

3. Is in good faith a member of that party.

Any person who will become qualified by age or residence to register and vote in the general election for which the primary is held, even though not so qualified by the date of the primary election, shall be entitled to register while the registration books are open during the regular registration period prior to the primary and then to vote in the primary after being registered. In counties which adopt full-time and permanent registration, such an individual may register not earlier than 60 days nor later than 21 days prior to the primary.

§ 163-60 through § 163-64 reserved for future use.

Article 7.

Registration of Voters.

§ 163-65. Registration Books and Records. (a) Precinct Records. The county board of elections shall furnish each precinct registrar with a proper book or books in which to record registrations. This book shall be prepared to contain all of the information pertaining to a registered voter required by § 163-72, including the registrant's political party affiliation, if any. On each page of the book shall be printed a column index giving the first two letters of the surnames and the pages on which persons bearing those names are registered.

In lieu of a bound book, the county board of elections, with the approval of the board of county commissioners, is authorized to install a loose leaf registration book system in any or all of the precincts of the county.

(b) Special Register for Chairman of Board of Elections. The State Board of Elections shall furnish the chairman of the county board of elections with a book in which he shall register qualified persons prior to the regular registration period under the provisions of § 163-68. This book shall be prepared to contain all the information pertaining to a registered voter required by § 163-72, including the registrant's political party affiliation and also a record of the precinct in which he resides.

(c) Registration Record in County With Full-time and Permanent Registration. In counties which adopt full-time and permanent registration, the applicant's application to register, when approved by the county board of elections, as provided in § 163-67, shall become an official registration certificate. All original registration certificates shall be kept by the county board of elections in a safe place to be provided by the board of county commissioners. The county board of elections shall place an exact duplicate or copy of each original registration certificate in the proper precinct registration book, and certify each such book as containing the registration certificates of all persons entitled to vote in that precinct. Duplicate registration certificates filed in the precinct registration books, when properly

certified by the county board of elections, shall be used in the precincts for purposes of all primaries and elections; provided, however, that the original registration certificates shall at all times be the official and final evidence of registration, and the county board of elections shall have power to correct the duplicates in the precinct registration books to conform to the original registration certificates at any time, including the day of any primary or election.

§ 163-66. Custody of Registration Records and Poll Books; Access; Obtaining Copies. When not in use for a primary or election, all registration and poll books shall be in the custody and safekeeping of the chairman of the county board of elections. It shall be his duty to keep these books in a safe and secure place where they may not be tampered with, stolen or destroyed. If possible, he shall keep them in a fireproof vault. While the registration and poll books are in the custody of the chairman of the county board of elections, he may, in his discretion, permit them to be inspected or copied, but only under his supervision.

The precinct registrar shall be responsible for the safekeeping of the registration and poll books while in his custody. While these books are in the hands of the precinct registrar prior to a primary or election, it shall be his duty, on application of any candidate or the county chairman of any political party, to permit the registration and poll books to be copied at the registrar's residence or at the voting place. The registrar shall not release the registration and poll books from his custody for this purpose. In lieu of permitting these books to be copied, the registrar may furnish an accurate list of all names appearing therein, for which service he shall be paid by the candidate or party chairman to whom the list is furnished, at a rate not to exceed two cents (2¢) for each name listed.

In counties which adopt full-time and permanent registration, the registration books, registration certificates, indexes, and other records of registration shall be and remain in the possession of the county board of elections. The board may exercise supervision and control of these records through its properly designated officers and employees. In such counties, it shall be the duty of the county board of elections, on application of any candidate, or the county chairman of any political party, or any other person, to furnish a list of the persons registered to vote in the county or in any precinct or precincts therein. In such a county no registrar shall furnish lists of registered voters or permit the registration records of his precinct to be copied. The county board of elections may furnish such lists upon sheets, cards, postal cards, or envelopes, and, upon request, it shall furnish selective lists according to party affiliation, sex, race, date of registration, or any other reasonable category. In all instances, however, the county board of elections shall require persons to whom such lists are furnished to make full reimbursement for the expense incurred in preparing them.

Any person wilfully failing or refusing to comply with the provisions and requirements of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars ($50.00) or imprisoned not more than 30 days.

§ 163-67. Time and Place for Registration. (a) Registration Periods. Before each primary and election qualified persons shall be given an opportunity to register to vote during a registration period prescribed by this Section. If a new county-wide registration of all voters is ordered by the county board of elections, the registration books shall be opened for the registration of qualified persons at 9:00 a.m. on the fifth Saturday before the primary or election, otherwise, the registration books shall be opened at 9:00 a.m. on the fourth Saturday before the primary or election. The period for registration shall be closed at 6:30 p.m. on the second Saturday before the primary or election.

Between the hours of 9:00 a.m. and 6:30 p.m. on each day during the period in which registration is conducted, the registrar shall be available with the registration book for registration of qualified persons residing in his precinct. On each Saturday during the period of registration the registrar shall be present, with the registration book, at the voting place in his precinct between the hours of 9:00 a.m. and 6:30 p.m. for the registration of qualified persons.

(b) Full-time Registration. In a county which has installed a loose leaf registration book system in all precincts as permitted by § 163-65, the county board of elections, with the approval of the board of county commissioners, shall have power to establish by resolution a full-time system of registration under which the registration books, process, and records shall be open continuously for the acceptance of registration applications and for the registration of voters at all reasonable hours and times. In such counties no registration shall be a qualification to vote in a particular primary, general, or special election, unless the registrant shall have made application for registration not less than 21 days next preceding the primary, general, or special election next to be held.

When full-time registration has been established in a county, the official record of registration shall be made and kept in the form of an application to register which, as prescribed by the county board of elections, shall contain all information necessary to show the applicant's qualifications to register. In such a county, no person shall be registered to vote without first making a written, sworn, and signed application to register upon the form perscribed by the county board of elections. If the applicant cannot write because of physical disability, his name shall be written on the application for him by the election official to whom he makes application, but the specific reason for the applicant's failure to sign shall be clearly stated upon the face of the application.

Registrars and special registration commissioners appointed under the provisions of § 163-41 may take registration applications from and administer registration oaths to qualified applicants without regard to the precinct residence of the registrar, special registration commissioner, or applicant: Provided, however, the county board of elections shall have power to limit the areas in which registrars and special registration commissioners may exercise the authority conferred in this paragraph.

Applications to register which have been completed by persons who have taken the required oath shall be forwarded promptly to the county board of elections. An application to register shall constitute a valid

registration unless the county board of elections shall notify the applicant of its rejection.

For the purpose of receiving registration applications, registrars shall attend the voting places in their precincts only on such days and at such hours as may be fixed by the county board of elections: Provided, the county board of elections shall not require registrars to be present at the voting places for this purpose on any day less than 21 days prior to a primary or election. In its discretion, the county board of elections may require no attendance by registrars at the voting places for the purpose of receiving registration applications.

The county board of elections is authorized to make reasonable rules and regulations, not inconsistent with law, to insure full-time registration as provided in this Section.

(c) No Registration on Day of Primary or Election; Exception. No person shall be permitted to register on the day of an election or primary, unless he shall have become qualified to register and vote between the date the registration period expired and the date of the succeeding primary or election. No one shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary.

§ 163-68. Registration of Persons Expecting to be Absent During Registration Period. Any citizen of the State, not duly registered, who may be qualified to vote under the Constitution and laws of this State, and who expects to be absent from the precinct in which he resides during the period for registration established by § 163-67, may be registered as provided in this Section.

It shall be the duty of the chairman of the county board of elections to register any person possessing the qualifications to vote who presents himself for registration at any time other than the usual registration period, and who expects to be absent from the precinct in which he resides during all of the usual registration period. The chairman shall follow the registration procedure set out in § 163-72 for the registration of voters before the precinct registrar, except that he shall record each such registration in the book furnished him for that purpose by the State Board of Elections under the provisions of § 163-65.

Immediately after registrars are appointed for any primary or election to be held in the county, or in any political subdivision of the county, the chairman of the county board of elections shall certify to the registrar of each precinct the name, age, race, residence, and place of birth of each person he has registered who is entitled to vote in the particular precinct. It shall then be the duty of the registrar to enter upon the regular registration record of his precinct all names and accompanying information certified to him by the chairman of the county board of elections, writing opposite each name entered the words "Registered before Chairman of County Board of Elections."

Persons registered in accordance with the provisions of this Section shall be entitled to vote in primaries and elections held in the precinct in which registered in the same manner as if they had been registered by the precinct registrar.

§ 163-69. Permanent Registration. In counties which adopt full-time registration as authorized by § 163-67, the registration certificates shall be a permanent public record of registration and qualification to vote, and they shall not thereafter be cancelled. In such a county no new registration shall be ordered, either by precinct or county-wide, unless the permanent registration certificates have been lost or destroyed by theft, fire, or other hazard.

In the event of any division of precincts or change in precinct boundaries, the board of elections in such a county shall not cancel the existing registration or order a new registration, but it shall immediately correct the existing precinct registration certificates to conform to the division or change.

To the end that the permanent registration records shall be purged of the names of registrants who have died or who have become disqualified to vote since registration, the register of deeds of the county shall furnish to the county board of elections a certification of all death certificates as soon as they are recorded in his office. Upon receipt of such a certification from the register of deeds, the county board of elections shall cause to be removed from the permanent registration records of the county the name of any person appearing on the register of deeds' death certificate certification. In addition, the county board of elections is authorized to remove from the permanent registration records the names of all persons who have failed to vote, according to the poll or other record of voting, for a period of four years. Prior to removing any person's name from the registration records for failure to vote for four consecutive years, as authorized in this Section, the county board of elections shall cause to be mailed to the person affected, at the address shown on the permanent registration records, a notice to show cause why his registration should not be voided. If such a person shall appear and show that his qualifications to register and vote remain as they were when he was first registered, his name shall not be removed from the permanent registration record. Any person whose name has been removed from the permanent registration record for failure to vote for four consecutive years shall be permitted to re-register at any time he can demonstrate that he is qualified to register and vote.

Nothing in this Section shall prohibit the county board of elections from restoring to the permanent registration records the name of any person upon proof that he is not dead or that he has voted in the county within the four-year period.

§ 163-70. Registrar to Certify Number Registered in Precinct. At the close of the registration period, each registrar shall promptly certify to the county board of elections the number of voters registered in his precinct.

The requirement of this Section shall not apply in counties which adopt full-time and permanent registration.

§ 163-71. Municipal Corporations Authorized to use County Registration Records. Upon such terms as may be mutually agreed to by the governing body of any city, town, or other municipality and the boards of commissioners and elections of the county in which the municipality is

situated, the municipality is authorized to use the registration books, process, or records of the county as the official record of registration of persons qualified to vote in municipal elections. If such an agreement is reached, the provisions of law applicable to the registration of voters in the county shall also apply to the city, town, or other municipal corporation for the purpose of its primary, general, regular, and special elections.

All elections heretofore held or ordered to be held by any city, town, or other municipal corporation in which the registration books, process, or records of the county in which the municipal corporation is located were used or ordered to be used are hereby in all respects ratified, validated, and confirmed.

§ 163-72. Registration Procedure; Oath. Before questioning any applicant for registration as to his qualifications, the registrar shall administer the following oath to him:

"You swear (or affirm) that the statements and information you shall give me with respect to your identity and qualifications to register to vote shall be the truth, the whole truth, and nothing but the truth; so help you, God."

After being sworn, the applicant shall state as accurately as possible his name, age, place of birth, place of residence, political party affiliation, if any, under the provisions of § 163-74, and any other information which may be material to a determination of his identity and qualification to be admitted to registration. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the applicant's qualifications.

If the registrar finds the applicant duly qualified and entitled to be registered, he shall administer the following registration oath to him:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina for one year, and of this precinct for 30 days by the date of the next general election; that I am at least 21 years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct. So help me, God."

If the registrar finds the applicant qualified and entitled to be registered, and if the applicant has taken the oath prescribed in the preceding paragraph, the registrar shall register him by recording his name, age, race, residence, place of birth, and the precinct, county, or State from whence he has removed in the event of a removal, in appropriate columns of the registration book or other registration record.

The registration book or other record containing the information required by the preceding paragraph shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration.

If an applicant for registration has removed from another precinct in the same county since his last registration, he shall, before being registered fill out and sign a transfer certificate in the form prescribed in the following paragraph.

Prior to the opening of each registration period, the chairman of the county board of elections shall furnish each precinct registrar with an adequate supply of registration transfer certificates printed in substantially the following form:

"To the Registrar of ..... Precinct ..... County, N. C.

I hereby certify that I have removed my residence from ..... voting precinct, where I was a registered voter, to ..... voting precinct within the same county, and I have this day applied for registration before the undersigned registrar of this precinct in which I now reside, and I hereby request and authorize you to remove my name from the registration book of your precinct as I am no longer qualified to vote in your precinct.

Signed this ..... day of ....., 19.....

(Signature of applicant)

.....

Witness:

.....Registrar

.....Precinct

.....Address"

When an applicant has completed and signed a transfer certificate the registrar shall sign the certificate as a witness to the applicant's signature. Immediately after the close of the registration period the registrar shall mail all completed transfer certificates to the chairman of the county board of elections, who shall immediately mail them to the registrars of precincts from which the applicants have removed. Upon receipt of such certificates, the registrars shall cancel the registration of applicants who have requested and authorized that action on the registration records of their precincts.

In counties which adopt full-time and permanent registration, no registered voter shall be required to re-register upon moving from one precinct to another in the same county. In lieu thereof, in accordance with regulations prescribed by the county board of elections, not less than 21 days before any primary or election in which the removing elector desires to vote, he shall file with the county board of elections, or with a registrar or special registration commissioner, an affidavit setting forth his former residence, his new residence, the date of his removal to the new residence, and a statement that all his other qualifications to register and vote remain as they were at the time he was registered. If the county board of elections finds the facts asserted in the affidavit to be true, it shall immediately transfer the voter's registration to the precinct of his new residence. Thereafter the voter shall be considered registered and qualified to vote in his new precinct of residence.

§ 163-73. Registration and Voting of New Residents in Presidential Elections. A person qualifying under § 163-56 and desiring to vote for presidential and vice presidential electors shall appear in person to register before the chairman of the board of elections of the county in which he is then residing not more than 20 days before the day set for holding the

presidential election and not later than 5:00 p.m. on Friday preceding the day set for holding that election. For the registration of such persons, the chairman of the county board of elections shall maintain a separate registration book which shall conform in all respects to the registration books used in the precincts of the county.

In registering an applicant under this Section, the chairman of the county board of elections shall adhere to the procedure prescribed for registrars in § 163-72 except that the applicant shall not be required to take the registration oath prescribed in that Section. In lieu thereof, in the presence of the chairman of the county board of elections, the applicant shall make application for a presidential ballot by completing, signing, and swearing to an application form substantially as follows. The chairman of the county board of elections shall administer the oath thereto:

Application and Affidavit of New Residents for
Voting for Presidential and Vice Presidential Electors

"State of North Carolina
County of .....

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States; that I am at least 21 years of age or will become 21 by the date of the next Presidential Election; that I have been a legal resident of the State of North Carolina since ...., 19.....; that I now reside at ..... (Street or other address) in the City (or Town) of ..... in ..... precinct, of the County of ....., North Carolina; that I will have been a resident thereof at least 60 days prior to the date of the next Presidential Election; that I will be qualified to vote in said precinct for electors for President and Vice President of the United States; that I have not voted, nor will I vote in the State of my former residence, or elsewhere in North Carolina; and I do now hereby make application for an official presidential ballot for my use in voting in said election in the State of North Carolina.

Signed .....
Address .....

Subscribed and sworn to before me this ..... day of ....., 19.....

Signed .....
Chairman, County Board of Elections of
..... County, N. C."

If the chairman of the county board of elections is satisfied that the application provided for above is in proper order and that the applicant is qualified to vote under the provisions of § 163-56 for electors for President and Vice President, he shall then give to the applicant one of the official presidential and vice presidential ballots furnished by the State Board of Elections. Upon receiving the ballot, the applicant shall mark it in the presence of the chairman, but in such manner as not to disclose to the chairman how he has marked it. The applicant shall then fold the ballot, concealing the marking thereon, and deliver it to the chairman, who shall write his initials and a consecutive number on the top margin of

the ballot and then place the ballot in a container envelope similarly numbered and seal it. On the face of the envelope there shall be printed or typed the following:

"This envelope contains the presidential ballot of ....., a new resident of this county and State, presently residing in .... precinct in ..... County, North Carolina, and being voted pursuant to the provisions of Article 18 of Chapter 163 of the General Statutes of North Carolina."

The chairman of the county board of elections shall safely keep the sealed envelope containing the marked ballot of the new resident voter until the morning of the day of the election in which the ballot is to be voted. Before noon on that day the chairman shall deliver the ballot or cause it to be delivered to the registrar of the precinct in which the applicant is then residing, together with a list of all new resident voters voting in the presidential election and residing in that precinct.

§ 163-74. Record of Political Party affiliation; Changing Recorded Affiliation; Correcting Erroneous Records. (a) Record of Party Affiliation. When any person applies for registration during a regular registration period prior to any primary or election, it shall be the duty of the registrar to request the applicant to state his political party affiliation and to record the affiliation in the registration book or appropriate record. Such recorded party affiliation shall thereafter be permanent unless, or until, the registrant changes it under the provisions of subsection (b) of this Section.

If the applicant refuses to declare his party affiliation upon request, the registrar shall register his name, if he is otherwise qualified, without indicating any party affiliation opposite the name. The registrar shall then advise the applicant that, although registered, he cannot vote in any party primary but only in general elections held thereafter.

If the applicant states to the registrar that he is an Independent indicating affiliation with no political party, the registrar shall register his name, if he is otherwise qualified, entering the designation "Independent" in the proper place on the registration record. The registrar shall then advise the applicant that, although registered, he cannot vote in any party primary but only in general elections held thereafter.

In all cases in which no party affiliation has been recorded in the registration book opposite the name of any registered elector, but not including those registered as Independents, the registrant may, on primary election day, appear before the registrar of his precinct and have his political party affiliation recorded by taking the following oath to be administered by the registrar:

"I, ..., do solemnly swear (or affirm) that I desire in good faith to have my affiliation with the ..... Party recorded in the registration book of this precinct, so help me, God." When the registrant has taken the prescribed oath, the registrar shall record his declared party affiliation opposite the registrant's name in the registration book and permit him to vote in the primary of the party with which he is affiliated.

(b) Change of Party Affiliation. No registered elector shall be permitted to change the record of his party affiliation for a primary or second primary after the close of the registration period immediately prior to the primary. Any registrant who desires to have the record of his party affiliation changed on the registration book shall, during a regular registration period only, go to the registrar of his precinct and request that the change be made. Before being permitted to have the change made, the registrar shall require the registrant to take the following oath, and it shall be the duty of the registrar to administer it:

"I, ..., do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the ..... Party to the ..... Party, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God."

In counties which adopt full-time and permanent registration, any registered voter who desires to have his party affiliation changed on the registration records of the county shall, not less than 21 days prior to any primary election, file an affidavit in the form of the oath set out in the preceding paragraph with the county board of elections, a registrar, or a special registration commissioner, in accordance with regulations to be adopted by the county board of elections. Upon receipt of the required oath, the county board of elections shall immediately change the record of the registrant's party affiliation to conform to that stated in the oath. Thereafter the voter shall be considered registered and qualified to vote in the primary elections of the political party which he designated in the oath.

(c) Correction of Erroneous Record of Party Affiliation. If at any time the chairman of the county board of elections or the registrar of any precinct shall be satisfied that an error has been made in designating the party affiliation of any voter on the registration book of his precinct then, and in all such events, the chairman of the county board of elections or the registrar, having custody of the registration book, may make the necessary correction after first administering to the voter the following oath:

"I, ..., do solemnly swear (or affirm) that I desire in good faith to have the erroneous entry of my affiliation with the ..... Party in the registration book of this precinct corrected in the manner provided by law to show that I affiliate with the .... Party, so help me, God."

§ 163-75. Appeal From Denial of Registration. Any person who is denied registration for any reason may appeal the decision of the precinct registrar to the board of elections of the county in which the precinct is located. The person appealing shall file notice of his appeal with the county board of elections and with the registrar who refused to register him by 5:00 p.m. on the day following the day of denial. The notice of appeal shall be in writing, signed by the appealing party, and shall set forth the name, age, and address of the appealing party; it shall also state the reasons for the appeal.

§ 163-76. Hearing on Appeal Before County Board of Elections. Any registrar receiving a notice of appeal from denial of registration shall file the notice with the county board of elections by 5:00 p.m. on the day following the day on which he receives it. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of his right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard de novo.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board is authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from the decision of the registrar is able to read and write any Section of the Constitution of North Carolina in the English language, and if the board further finds that the appellant meets all other requirements of law for registration as a voter in the precinct in which application was made, the board shall enter an order to the precinct registrar directing that the appellant be registered as a voter in the precinct from which the appeal was taken. The county board of elections shall not order the applicant registered in any precinct other than that from which the appeal was taken. Not later than five days after an appeal is heard before the county board of elections, the board shall give notice of its decision to the appealing party.

§ 163-77. Appeal From County Board of Elections to Superior Court. Any person aggrieved by a final decision of a county board of elections denying registration may at any time within 10 days from the date on which he receives notice of the decision appeal therefrom to the Superior Court of the county in which the board is located. Upon such an appeal, the appealing party shall be the plaintiff and the county board of elections shall be the defendant, and the matter shall be heard de novo in the Superior Court in the manner in which other civil actions are tried and disposed of therein.

If the decision of the court be that the order of the county board of elections shall be set aside, then the court shall enter its order so providing and adjudging that the plaintiff is entitled to be registered as a qualified voter in the precinct in which he originally made application to register, and in such case the plaintiff's name shall be entered in the registration book of that precinct. The court shall not order the registration of any person in a precinct in which he did not apply to register prior to the proceeding in court.

From the judgment of the Superior Court an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from judgments of that court in civil actions.

§ 163-78. New Registrations; Registration when Books Multilated or Destroyed; Revisions of Registration Books. (a) New Registration. The

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county board of elections shall have power from time to time to order a new registration of all qualified persons for any or all precincts in the county to be conducted in the period prescribed by § 163-67(a). Upon adoption of a resolution ordering a new registration, the county board of elections shall give 20 days' notice thereof prior to the opening of the registration period by advertising in a newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three other public places in the county. When a new registration is ordered, however, the names of persons who have been registered since the last preceding primary or general election by the chairman of the county board of elections under § 163-68 shall remain upon the registration books unless those so registered have died or otherwise become disqualified.

(b) Registration when Books Multilated or Destroyed. In the event the registration books for any precinct shall, prior to 30 days preceding any primary, general, or special election, be destroyed by fire or other cause or shall become mutilated to the extent they can no longer be used, the county board of elections shall provide the precinct registrar with a new registration book, and shall order a new registration of qualified persons in the precinct at the times and places and in the manner prescribed in § 163-67(a). The county board of elections shall give notice of the new registration at least 10 days before the date on which the books will be opened by advertisement in a newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three public places in the precinct affected. The notice shall state the opening and closing dates for registration, the location of the voting place, and the name of the precinct registrar. If time does not permit challenge day to be held on a separate Saturday, the county board of elections may combine it with the last Saturday for registration, so specifying in the notice of the new registration.

Should the destruction or mutilation of the precinct registration book occur less than 30 days before any primary, general, or special election, the county board of elections shall, insofar as time will permit, adhere to the provisions of the first paragraph of this Section. If the time available makes it impossible to conduct a new registration in the affected precinct, each person presenting himself to vote in the precinct on the day of the ensuing general or special election shall be allowed to cast his ballot after signing and delivering to the registrar an affidavit in the following form:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year, and of this precinct for 30 days; that I am at least 21 years of age; and that I have not registered to vote in any other precinct. So help me, God."

If the ensuing election is a primary rather than a general or special election, the following affidavit shall be used:

"I, ..., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been or will have been a resident of the State of North Carolina for one

year, and of this precinct for 30 days by the date of the next general election; that I am at least 21 years of age or will be by the date of the next general election; and that I have not registered to vote in any other precinct. So help me, God."

Persons permitted to vote under this procedure may be challenged in accordance with the provisions of § 163-87 and § 163-88. The registrar shall deliver all affidavits deposited with him to the county board of elections on canvass day. The affidavits shall not be deemed to constitute a new record of registration for the precinct for subsequent primaries and elections.

(c) Revision of Registration Books. The county board of elections shall have power from time to time to order a revision of the registration books of any or all precincts in the county by requiring that they be purged of illegal or disqualified voters, after notice to such registrants as herein directed.

When the county board of elections makes an order of revision it shall be directed to the registrar and judges of election of the precinct to which it relates, directing them to meet at the precinct voting place on the first Saturday of the registration period before any primary or election, and to prepare from the registration books a list of those registrants, with their names and addresses as they appear on the registration books, who are, in the opinion of the precinct officials, dead or disqualified to vote by removal from the precinct. When the list is prepared the precinct officials shall, within 48 hours, deliver it to the chairman of the county board of elections.

Upon receipt of the list described in the preceding paragraph, the chairman of the county board of elections shall cause to be mailed to each listed person, at the address shown on the list, a notice requiring him to appear at the precinct voting place on the Saturday prescribed for challenge day, and show that he is legally entitled to vote in that precinct. In lieu of a personal appearance on challenge day, the registrant may furnish evidence by mail or otherwise that he is qualified to vote in the precinct.

Upon failure of such a person to make a personal appearance on challenge day, or upon failure of such a person to offer satisfactory evidence that he is qualified to vote in the precinct in the approaching primary or election, the precinct officials shall strike his name from the registration book.

However, in the event that any person whose name has been removed from the registration book of a precinct under the provisions of this Section should appear at the voting place on primary or election day and give satisfactory evidence to the registrar and judges that he has never received any notice by mail or otherwise that his name has been placed on the list of disqualified voters in that precinct, and can satisfy the precinct officials that he is qualified to vote in that precinct, then his name shall be re-entered on the registration book, and he shall be allowed to vote in that precinct as before.

§ 163-79 through § 163-83 reserved for future use.

Article 8.

Challenges.

§ 163-84. Right to Challenge; to Whom Challenge Made. The right of any person to register, to remain registered, or to vote in a precinct may be challenged by any registered voter of that precinct, including the precinct registrar and judges of election: Provided, however, that in counties which adopt full-time and permanent registration, any person registered to vote in the county may challenge the right of any other person to register, to remain registered, or to vote in that county. In all counties challenges shall be made to the appropriate precinct registrar, except that in counties which adopt full-time and permanent registration challenges made on days other than the day of a primary or election shall be made to the county board of elections. Challenges shall be made, heard, and decided as provided in this Article.

§ 163-85. Special Times for Challenge; Challenge Procedure; Notice of Hearing. It shall be the duty of the registrar to bring the registration books of his precinct to the precinct voting place on the Saturday immediately preceding each primary and election, and keep them open there from 9:00 a.m. until 3:00 p.m. for inspection by the registered voters of the precinct. During those hours any registered voter of the precinct shall be allowed to challenge the registration and voting rights of any person whose name appears on the books. When an objection is entered, the registrar shall write the word "challenged" in pencil upon the registration book opposite the name of the person objected to, then he shall appoint a time and place at which he, together with the precinct judges of election, shall hear and decide the challenge. The hearing shall in all events be held before the date of the immediately succeeding primary or election. The registrar shall prepare a written notice of each challenge, stating succinctly the grounds asserted and the time and place at which the challenge will be heard, and serve or have it served on the challenged registrant. If personal service is not possible, a copy of the notice shall be left at the residence of the challenged registrant. The registrar shall also furnish the challenger with a copy of the notice of hearing.

In counties which adopt full-time and permanent registration there shall be no single challenge day. In such counties the registration records shall be open to inspection by any registered voter of the county at reasonable hours on one or more days each week to be set by regulation of the county board of elections, at which time the registration of any elector of the county shall be subject to objection and challenge. Written notice of each challenge and hearing shall be prepared and served by the county board of elections in the manner in which registrars prepare and serve such notices in counties without full-time and permanent registration.

§ 163-86. Hearing on Challenge Made Prior to Primary or Election Day. A challenge entered on a day other than the day of a primary or election shall be heard and decided before the date of the next ensuing primary or election. Challenges shall be heard and decided by the registrar and judges of election of the precinct in which the challenged registrant is registered, except in counties which adopt full-time and permanent registration where challenges entered on a day other than the day of a

primary or election shall be heard and decided by the county board of elections.

At the time and place set for the hearing on a challenge entered prior to the date of a primary or election, the election officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State. The officials conducting the hearing shall then administer the following oath to the challenged registrant:

"You swear (or affirm) that the statements and information you shall give in this hearing with respect to your identity and qualifications to be registered and to vote shall be the truth, the whole truth, and nothing but the truth; so help you, God."

After being sworn, the officials conducting the hearing shall examine the challenged registrant as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, the officials conducting the hearing shall tender to him the following oath or affirmation:

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 21 years of age or will become 21 by the date of the next general election; that you have or will have resided in this State for one year, and in the precinct for which registered for 30 days by the date of the next general election; that you are not disqualified from voting by the Constitution and laws of this State; that your name is ....., and that in such name you were duly registered as a voter of ..... precinct; and that you are the person you represent yourself to be. So help you, God."

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the officials conducting the hearing shall delete his name from the registration records. If the challenged registrant takes the tendered oath, the officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal voter, they shall overrule the challenge and erase the word "challenged" which appears by the voter's name in the registration book.

Election officials conducting hearings on challenges shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

§ 163-87. Challenges Allowed on Day of Primary or Election. On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a party primary, any voter of the precinct who is registered as a member of the political party conducting the primary may, at the time any registrant proposes to vote, challenge his right to vote upon the ground that he does not affiliate with the party conducting the primary or does not in good faith intend to support the candidates nominated in that party's primary, and it shall be the duty of the registrar and judges of election to determine whether or not the challenged registrant has a right to vote in that primary according to the procedures prescribed in § 163-88.

§ 163-88. Hearing on Challenge Made on Day of Primary or Election. A challenge entered on the day of a primary or election shall be heard and decided by the registrar and judges of election of the precinct in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the qualifications for registration and voting in this State, and shall examine him as to his qualifications to be registered and to vote. If the challenged registrant insists that he is qualified, and if, by the sworn testimony of at least one registered voter of the precinct, he shall prove his identity with the person in whose name he offers to vote and his continued residence in the precinct since he was registered, one of the judges of election or the registrar shall tender to him the following oath or affirmation, omitting the portions in brackets if the challenge is heard on the day of an election other than a primary:

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you are at least 21 year of age [or will become 21 by the date of the next general election]; that you have [or will have] resided in this State for one year, and in this precinct for 30 days [by the date of the next general election]; that you are not disqualified from voting by the Constitution and laws of this State; that your name is ...., and that in such name you were duly registered as a voter of this precinct; that you are the person you represent yourself to be; [that you are affiliated with the ..... Party]; and that you have not voted in this [primary] election at this or any other voting place. So help you, God."

If the challenged registrant refuses to take the tendered oath, the challenge shall be sustained, and the precinct officials conducting the hearing shall mark the registration records to reflect their decision, and they shall erase the challenged registrant's name from the poll book if it has been entered therein. If the challenged registrant takes the tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain the challenge unless they are satisfied that the challenged registrant is a legal voter. If they are satisfied that he is a legal voter, they shall overrule the challenge and permit him to vote. Whenever any person's vote is received after having taken the oath prescribed in this Section, the registrar or one of the judges of election shall write on the registration record and on the poll book opposite the registrant's name the word "sworn."

Precinct election officials conducting hearings on challenges on the day of a primary or election shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the person challenged.

§ 163-89. Procedure for Challenging Absentee Ballot and Presidential Ballot of New Resident Voter; Right to Appeal. On election day any person registered to vote in a precinct may challenge an absentee voter's ballot or the presidential ballot of a new resident voter in his precinct. Each such ballot challenged shall be challenged separately. The challenge shall be addressed to the registrar, shall be written, and shall set out the specific reasons for the challenge, specifying why the ballot fails to comply

with the law or why the absentee or new resident voter is not entitled to vote in the election.

When a challenge has been filed in accordance with the preceding paragraph, the registrar and judges shall proceed to hear the challenger's reasons for the challenge and make their decision without opening or removing the ballot from the container envelope. The burden of proof shall be upon the challenger in each case. The precinct officials conducting the hearing shall have authority to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the absentee or new resident voter's ballot shall not be counted; the container envelope shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be filed with the county board of elections at the time of the county canvass when the precinct returns are filed. They shall be preserved intact by the chairman of the county board of elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any absentee or new resident's ballot delivered to him.

If the challenge is not sustained, the absentee ballot or new resident's ballot shall be removed from the container envelope, deposited in the appropriate ballot box, counted, and tallied as provided in § 163-234.

Any voter whose ballot has been challenged under the provisions of this Section may, if the challenge is sustained, either personally or through a duly authorized representative, appeal to the county board of elections on the day of the county canvass to sustain the validity of the voter's ballot, and if its validity is sustained, his ballot shall be counted and added by the board to the returns from the proper precinct.

In primary elections the provisions of this Section shall apply to the ballots of servicemen seeking to avail themselves of the right to vote by absentee ballot under this chapter.

§ 163-90. Challenge as Felon; Answer Not to be Used on Prosecution. If any registered voter is challenged as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to the alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecution.

§ 163-91 through § 163-95 reserved for future use.

SUBCHAPTER IV.

POLITICAL PARTIES

Article 9.

Political Party Definition.

§ 163-96. Political Party Defined; Creation of New Party. (a) Definition. A political party within the meaning of the election laws of this State shall be either:

1. Any group of voters which, at the last preceding general State election, polled for its candidate for governor, or for presidential electors, at least ten per cent (10%) of the entire vote cast in the State for governor or for presidential electors; or

2. Any group of voters which shall have filed with the State Board of Elections petitions for the formation of a new political party which are signed by 10,000 persons who, at the time they sign, are registered and qualified voters in this State, and which comply with the conditions prescribed in subsection (b) of this Section. To be effective, the petitioners must file their petitions with the State Board of Elections before 12:00 noon on the first day of July preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party.

(b) Petitions for New Political Party. Petitions for the formation of a new political party must declare that the signers intend to organize a new political party on a State-wide basis, that they intend to participate as a political party in the next succeeding general election, and that they intend to affiliate with the new party by voting for its nominees.

The petitions must specify the name selected for the proposed political party. The State Board of Elections shall reject petitions for the formation of a new party if the name chosen contains any word that appears in the name of any existing political party recognized in this State or if, in the Board's opinion, the name is so similar to that of an existing political party recognized in this State as to confuse or mislead the voters at an election.

The petitions must state the name and address of the State chairman of the proposed new political party.

The validity of the signatures on the petitions shall be proved in accordance with one of the following alternative procedures:

1. The signers may acknowledge their signatures before an officer authorized to take acknowledgments, after which that officer shall certify the validity of the signatures by appropriate notation attached to the petition, or

2. A person in whose presence a petition was signed may go before an officer authorized to take acknowledgments and, after being sworn, testify to the genuineness of the signatures on the petition, after which the officer before whom he has testified shall certify his testimony by appropriate notation attached to the petition.

Each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained, and it shall be the chairman's duty:

1. To examine the signatures on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county.

2. To attach to the petition his signed certificate (a) stating that the signatures on the petition have been checked against the registration records and (b) indicating the number found qualified and registered to vote in his county.

3. To return each petition, together with the certificate required by the preceding paragraph, to the person who presented it to him for checking.

The group of petitioners shall pay to the chairman of the county board of elections a fee of five cents (5¢) for each signature he is required to examine and verify under the provisions of this subsection.

§ 163-97. Termination of Status as Political Party. When any political party fails to poll for its candidate for governor, or for presidential electors, at least ten per cent (10%) of the entire vote cast in the State for governor or for presidential electors at a general election, it shall cease to be a political party within the meaning of the primary and general election laws and all other provisions of this chapter.

§ 163-98. General Election Participation by New Political Party. In the first general election following the date on which a new political party qualifies under the provisions of § 163-96, it shall be entitled to have the names of its candidates for State, congressional, and national offices printed on the official ballots, but it shall not be entitled to have the names of candidates for other offices printed on State, district, or county ballots at that election.

For the first general election following the date on which it qualifies under § 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of August prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates for State, congressional, and national offices in the ensuing general election. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party.

§ 163-99 through § 163-103 reserved for future use.

SUBCHAPTER V.

NOMINATION OF CANDIDATES

Article 10.

Primary Elections.

§ 163-104. Primaries Governed by General Election Laws; Authority of State Board of Elections to Modify Time Schedule. Unless otherwise provided in this chapter, primary elections shall be conducted as far as practicable in accordance with the general election laws of this State. All provisions of this chapter and of other laws governing elections, not inconsistent with this Article and other provisions of law dealing specifically with primaries, shall apply as fully to primary elections and to the acts and things done thereunder as to general elections. Nevertheless, for purposes of primary elections the State Board of Elections may, by general rule, modify the general election law time schedule with regard to ascertaining, declaring, and reporting results.

All acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in a primary election held under the provisions of this chapter.

§ 163-105. Payment of Expense of Conducting Primary Elections. The expense of printing and distributing the poll and registration books, blanks, and ballots for those offices required by § 163-108(b) to be furnished by

the State, and the per diem and expenses of the State Board of Elections while engaged in the discharge of primary election duties imposed by law upon that Board, shall be paid by the State.

The expenses of printing and distributing the ballots for those offices required by § 163-108(c) to be furnished by counties, and the per diem (or salary) and expenses of the county board of elections and the registrars and judges of election, while engaged in the discharge of primary election duties imposed by law upon them, shall be paid by the counties.

§ 163-106. Notices of Candidacy; Pledge; With Whom Filed; Date for Filing; Withdrawal. (a) Notice and Pledge. No one shall be voted for in a primary election unless he shall have filed a notice of candidacy with the appropriate board of elections, State or county, as required by this Section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this Section, a notice and pledge in the following form:

"Date.....

I hereby file notice as a candidate for nomination as ..... in the ..... Party Primary Election to be held on ....., 19..... I affiliate with the ..... Party, [and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the ..... Party.] I pledge to abide by the results of the primary and to support in the next general election all candidates nominated by the ..... Party.

I further pledge that if I am defeated in the primary I will not run for any office as a write-in candidate in the next general election.

(Signed).....

Name of candidate

Witness:

.....

.....

(Title of witness)"

Each candidate shall sign his notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which he files. In the alternative, a candidate may have his signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail his notice of candidacy to the appropriate board of elections.

In signing his notice of candidacy the candidate shall use only his legal name and, in his discretion, any nickname by which he is commonly known.

A notice of candidacy signed by an agent or any person other than the candidate himself shall be invalid.

Prior to the seventh Saturday before the primary, at State expense the State Board of Elections shall print and furnish to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(b) Eligibility to File. No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file.

A person registered as an Independent shall be ineligible to file as a candidate in a primary election.

A person registered with no record of party affiliation shall be ineligible to file as a candidate in a primary election.

An unregistered person who desires to become a candidate in a party primary may do so if, at the time he files notice of candidacy, he signs and deposits with the election official with whom he files, a written pledge that he will, during the registration period prior to the next primary, register as an affiliate of the political party in whose primary he intends to run as a candidate. This may be accomplished by inserting in lieu of the bracketed phrase in the notice form set out in subsection (a) of this Section, the following: "and I certify that I will register on the registration book or record of the precinct in which I reside as an affiliate of the ..... Party prior to the date of the primary in which I seek nomination."

(c) Time for Filing Notice of Candidacy. Candidates seeking party primary nomination for the following offices may file their notices of candidacy with the State Board of Elections at any time but shall do so not later than 12:00 noon, on the Friday preceding the tenth Saturday before the primary election in which they seek to run:

Governor,
Lieutenant Governor,
all State executive officers,
Justices of the Supreme Court,
Judges of the Superior Courts,
Judges of the Districts Courts,
United States Senators,
members of the House of Representatives of the United States,
solicitors.

A candidate seeking party primary nomination for one of the following offices may file his notice of candidacy with the board of elections of the county in which he resides at any time but shall do so not later than 12:00 noon, on the Friday preceding the sixth Saturday before the primary election in which he seeks to run:

State Senators,
members of the State House of Representatives,
all county offices,
all township offices.

(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. In any primary in which there are two or more vacancies for Chief Justice and associate Justices of the Supreme Court, or two vacancies for United States Senator from North Carolina, or two or more vacancies for the office of Superior Court Judge to be filled by nominations, each candidate shall, at the time of filing notice of candidacy, file with the State Board

of Elections a written statement designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be effective only for his nomination to the vacancy for which he has given notice of candidacy as provided in this subsection.

A person seeking party nomination for a specialized district judgeship established under § 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of Elections a written statement designating the specialized judgeship to which he seeks nomination.

(e) Withdrawal of Notice of Candidacy. Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this Section.

§ 163-107. Filing Fees Required of Candidates in Primary; Refunds (a) Fee Schedule. At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which he files under the provisions of § 163-106 a filing fee for the office he seeks in the amount specified in the following tabulation:

OFFICE SOUGHT	AMOUNT OF FILING FEE
Governor	One per cent (1%) of the annual salary of the office sought
Lieutenant Governor	One per cent (1%) of the annual salary of the office sought
All State executive offices	One per cent (1%) of the annual salary of the office sought
Justices of the Supreme Court	One per cent (1%) of the annual salary of the office sought
Judges of the Superior Courts	One per cent (1%) of the annual salary of the office sought
Judges of the District Courts	One per cent (1%) of the annual salary of the office sought
Solicitors	One per cent (1%) of the annual salary of the office sought
United States Senator	One per cent (1%) of the annual salary of the office sought
Members of the United States House of Represenatives	One per cent (1%) of the annual salary of the office sought
State Senator	One per cent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One per cent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One per cent (1%) of the annual salary of the office sought

OFFICE SOUGHT	AMOUNT OF FILING FEE
All township offices not compensated by fees	One per cent (1%) of the annual salary of the office sought
County commissioners, if compensated entirely by fees	Ten dollars ($10.00)
Members of county board of education, if compensated entirely by fees	Five dollars ($5.00)
Sheriff, if compensated entirely by fees	Forty dollars ($40.00), plus one per cent (1%) of the income of the office above four thousand dollars ($4,000.00)
Clerk of Superior Court, if compensated entirely by fees	Forty dollars ($40.00), plus one per cent (1%) of the income of the office above four thousand dollars ($4,000.00)
Register of deeds, if compensated entirely by fees	Forty dollars ($40.00), plus one per cent (1%) of the income of the office above four thousand dollars ($4,000.00)
Any other county office, if compensated entirely by fees	Twenty dollars ($20.00), plus one per cent (1%) of the income of the office above two thousand dollars ($2,000.00)
Constable, if compensated entirely by fees	Ten dollars ($10.00), plus one per cent (1%) of the income of the office above one thousand dollars ($1,000.00)
Justice of the peace, if compensated entirely by fees	Ten dollars ($10.00), plus one per cent (1%) of the income of the office above one thousand dollars ($1,000.00)
All county and township offices compensated partly by salary and partly by fees	One per cent (1%) of the first annual salary to be received (exclusive of fees)

(b) Refund of Fees. If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this Section, withdraws his notice of candidacy within the period prescribed in § 163-106(e), he shall be entitled to have the fee he paid refunded. If the fee was paid to the State Board of Elections, the chairman of that Board shall certify to the Auditor that the refund should be made, and the Auditor shall give his warrant upon the Treasurer of the State who shall make the refund payment. If the fee was paid to a county board of elections, the chairman

of the board shall certify to the county accountant that the refund should be made, and the county accountant shall make the refund in accordance with the provisions of the County Fiscal Control Act.

If any person files a notice of candidacy and pays a filing fee to a board of elections other than that with which he is required to file under the provisions of § 163-106(c), he shall be entitled to have the fee refunded in the manner prescribed in this subsection for refund upon withdrawal of candidacy if he requests the refund before 12:00 noon, on Friday preceding the sixth Saturday before the primary.

§ 163-108. Certification of Notices of Candidacy. (a) Within three days after the time for filing notices of candidacy with the State Board of Elections under the provisions of § 163-106(c) has expired, the chairman or secretary of that Board shall certify to the Secretary of State the name, address, and party affiliation of each person who has filed with the State Board of Elections, indicating in each instance the office sought.

(b) Prior to the fourth Saturday before the primary election, the chairman of the State Board of Elections shall certify to the chairman of the county board of elections in each county in the appropriate district the names of candidates for nomination to the following offices who have filed the required notice and pledge and paid the required filing fee to the State Board of Elections, so that their names may be printed on the official county ballots: Superior Court Judge, District Court Judge, and solicitor.

(c) In representative districts composed of more than one county and in multi-county senatorial districts in which there is no rotation agreement as provided in § 163-116, the chairman or secretary of the county board of elections in each county shall, within three days after the time for filing notices of candidacy under the provisions of §163-106(c) has expired, certify to the State Board of Elections (1) the names of all candidates who have filed notice of candidacy in his county for member of the State Senate, or, if such is the fact, that no candidates have filed in his county for that office, and (2) the names of all candidates who have filed notice of candidacy in his county for the office of member of the State House of Representatives, or, if such is the fact, that no candidates have filed in his county for that office. The chairman of the county board of elections shall forward a copy of this report to the chairman of the board of elections of each of the other counties in the representative or senatorial district. Within 10 days after the time for filing notices of candidacy for those offices has expired, the chairman or secretary of the State Board of Elections shall certify to the chairman of the county board of elections in each county of each multi-county representative and senatorial district the names of all candidates for the House of Representatives and Senate which must be printed on the county ballots.

(d) Within two days after he receives each of the letters of certification from the chairman of the State Board of Elections required by subsections (b) and (c) of this Section, each county elections board chairman shall acknowledge receipt by letter addressed to the chairman of the State Board of Elections.

§ 163-109. Primary Ballots; Printing and Distribution. (a) General. In primary elections there shall be as many kinds of official State, district, county and township ballots as there are legally recognized political parties, members of which have filed notice of their candidacy for nomination. The ballots for each political party shall be printed to conform to the requirements of § 163-140(c) and to show the party's name, the name of each party member who has filed notice of candidacy, and the office for which each aspirant is a candidate.

Only those who have filed the required notice of candidacy and pledge with the proper board of elections, and who have paid the required filing fee, shall have their names printed on the official ballots of the political party with which affiliated.

(b) Ballots to be Furnished by State Board of Elections. It shall be the duty of the State Board of Elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

United States Senator,
Member of the House of Representatives of the United States Congress,
Governor, and
All other State offices, except Superior Court Judge, District Court Judge, and solicitor.

In its discretion, the State Board of Elections may print separate primary ballots for each of these offices, or it may combine some or all of them on a single ballot.

At least 30 days before the date of the primary, the State Board of Elections shall deliver a sufficient number of these ballots to each county board of elections. The chairman of the county board of elections shall furnish the chairman of the State Board of Elections with a written receipt for the ballots delivered to him within two days after their receipt.

(c) Ballots to be Furnished by County Board of Elections. It shall be the duty of the county board of elections to print official ballots for each political party having candidates for the following offices to be voted for in the primary:

Superior Court Judge,
District Court Judge,
solicitor,
State Senator,
Member of the House of Representatives of the General Assembly,
All county offices, and
All township offices.

In printing primary ballots, the county board of elections shall be governed by instructions of the State Board of Elections with regard to width, color, kind of paper, form, and size of type.

In its discretion, the county board of elections may print separate primary ballots for the district, county, and township offices listed in this subsection, or it may combine some or all of them on a single ballot. In a primary election, if there shall be 10 or more candidates for nomination to any one office, the county board of elections in its discretion may prepare a separate ballot for said office.

Three days before the primary election, the chairman of the county board of elections shall distribute official State, district, county, and township ballots to the registrar of each precinct in his county, and the registrar shall give him a receipt for the ballots received. On the day of the primary it shall be the registrar's duty to have all the ballots delivered to him available for use at the precinct voting place.

§ 163-110. Sole Candidate Declared Nominee. If only one aspirant files notice of candidacy for nomination for a given office by the party with which he affiliates, the appropriate board of elections shall, upon the expiration of the time fixed by § 163-106 for filing notice of candidacy for that office, declare him the nominee of his party. For the following offices, this declaration shall be made by the county board of elections with which the aspirant filed notice of candidacy: all county offices, all township offices, State Senators in single-county senatorial districts, and members of the State House of Representatives in single-county representative districts. For all other offices, this declaration shall be made by the State Board of Elections. When the sole aspirant has been declared his party's nominee for an office as provided in this Section, his name shall not be printed on the primary ballot, but it shall be printed on the ballot to be voted at the general election as his party's candidate for that office.

§ 163-111. Determination of Primary Results; Second Primaries. (a) Nomination Determined by Majority; Definition of Majority. Except as otherwise provided in this Section, nominations in primary elections shall be determined by a majority of the votes cast. A majority within the meaning of this Section shall be determined as follows:

1. If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the majority shall be ascertained by dividing the total vote cast for all aspirants by two. Any excess of the sum so ascertained shall be a majority, and the aspirant who obtains a majority shall be declared the nominee.

2. If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the majority shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by dividing the result by two. Any excess of the sum so ascertained shall be a majority, and the aspirants who obtain a majority shall be declared the nominees. If more candidates obtain a majority than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees.

(b) Right to Demand Second Primary. If an insufficient number of aspirants receive a majority of the votes cast for a given office or group of offices in a primary, a second primary, subject to the conditions specified in this Section, shall be held:

1. If a nominee for a single office is to be selected and no aspirant receives a majority of the votes cast, the aspirant receiving the highest number of votes shall be declared nominated by the appropriate board of elections unless the aspirant receiving the second highest number of votes shall request a second primary in accordance with the provisions of subsection (c) of this Section. In the second primary only the two aspirants

who received the highest and next highest number of votes shall be voted for.

2. If nominees for two or more offices (constituting a group) are to be selected and aspirants for some or all of the positions within the group do not receive a majority of the votes, those candidates equal in number to the positions remaining to be filled and having the highest number of votes shall be declared the nominees unless some one or all of the aspirants equal in number to the positions remaining to be filled and having the second highest number of votes shall request a second primary in accordance with the provisions of subsection (c) of this Section. In the second primary to select nominees for the positions in the group remaining to be filled, the names of all those candidates receiving the highest number of votes and all those receiving the second highest number of votes and demanding a second primary shall be printed on the ballot.

(c) Procedure for Requesting Second Primary.

1. An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing or by telegram with the State Board of Elections by 12:00 noon, on the third day after the result of the first primary has been officially declared:

Governor,
Lieutenant Governor,
All State executive officers,
Justices of the Supreme Court,
Judges of the Superior Courts,
Judges of the District Courts,
United States Senators,
Members of the United States House of Representatives,
solicitors,
State Senators in multi-county senatorial districts not having rotation agreements,
members of the State House of Representatives in multi-county representative districts.

2. An aspirant entitled to demand a second primary for one of the offices listed below, and desiring to do so, shall file a written request for a second primary with the board of elections in the county in which he filed notice of candidacy by 12:00 noon, on the fifth day after the result of the first primary has been officially declared:

State Senators in single-county senatorial districts,
State Senators in multi-county senatorial districts having rotation agreements,
members of the State House of Representatives in single-county representative districts,
all county officers,
all township officers.

(d) Tie Votes; How Determined.

1. In the event of a tie for the highest number of votes in a first primary between two candidates for party nomination for a single county, township, or single-county legislative district office (or for the State

Senate in a multi-county district having a rotation agreement), the board of elections of the county in which the two candidates were voted for shall conduct a recount and declare the results. If the recount shows a tie vote, a second primary shall be held on the date prescribed in subsection (e) of this Section between the two candidates having an equal vote, unless one of the aspirants, within three days after the result of the recount has been officially declared, files a written notice of withdrawal with the board of elections with which he filed notice of candidacy. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this paragraph, no recount shall be held, but all of the tied candidates shall be entered in a second primary.

2. In the event of a tie for the highest number of votes in a first primary between two candidates for a State office, for United States Senator, or for any district office (including State Senator in a multi-county senatorial district having no rotation agreement and member of the State House of Representatives in a multi-county representative district), no recount shall be held by reason of the tie, but the two candidates having an equal vote shall be entered in a second primary to be held on the date prescribed in subsection (e) of this Section, unless one of the two candidates files a written notice of withdrawal with the State Board of Elections within three days after the result of the first primary has been officially declared and published. Should that be done, the remaining aspirant shall be declared the nominee. In the event of a tie for the highest number of votes in a first primary among more than two candidates for party nomination for one of the offices mentioned in this paragraph, no recount shall be held, but all of the tied candidates shall be entered in a second primary.

3. In the event one candidate receives the highest number of votes cast in a first primary, but short of a majority, and two or more of the other candidates receive the second highest number of votes cast in an equal number, the proper board of elections shall declare the candidate having the highest vote to be the party nominee, unless all but one of the tied candidates give written notice of withdrawal to the proper board of elections within three days after the result of the first primary has been officially declared. If all but one of the tied candidates withdraw within the prescribed three-day period, and the remaining candidate demands a second primary in accordance with the provisions of subsection (c) of this Section, a second primary shall be held between the candidate who received the highest vote and the remaining candidate who received the second highest vote.

(e) Date of Second Primary; Procedures. If a second primary is required under the provisions of this Section, the appropriate board of elections, State or county, shall order that it be held four weeks after the first primary.

There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to register and vote mature after the day of the first primary and before the day of the

second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. Subject to this provision for registration, the second primary shall be held under the laws, rules, and regulations provided for the first primary.

(f) No Third Primary Permitted. In no case shall there be a third primary. The candidates receiving the highest number of votes in the second primary shall be nominated. If in a second primary there is a tie for the highest number of votes between two candidates, the proper party executive committee shall select the party nominee for the office in accordance with the provisions of § 163-114.

§ 163-112. Death of Candidate Before Primary; Filling Vacancy. If at the time the filing period closes only two persons have filed notice of candidacy for nomination by a given political party for a given office and thereafter, before the primary, one of the aspirants dies before the primary ballots are printed, the proper board of elections shall, upon notification of the death, immediately re-open the filing period for an additional five days during which additional candidates shall be permitted to file for the same party's nomination for the same office. If the primary ballots have been printed at the time the board of elections receives notice of the aspirant's death, it shall determine whether there will be sufficient time in which to reprint ballots before the primary in the event the filing period is re-opened for five days. If the board determines there will be sufficient time in which to reprint the ballots, it shall immediately re-open the filing period for an additional five days in which additional candidates shall be permitted to file for the same party's nomination for the same office. Should one or more persons file notice of candidacy during the extended filing period their names shall be printed on the primary ballots together with that of the aspirant who filed during the original filing period and shall be voted for in the primary.

If the primary ballots have been printed at the time the board of elections receives notice of the candidate's death, and if the board determines there will not be sufficient time in which to reprint the ballots before the primary if the filing period is re-opened for five days, then, regardless of whether one or more aspirants filed for nomination by the deceased candidate's party for the same office, the primary ballots shall not be reprinted, and the name of the deceased candidate shall not be deleted, stricken, or obliterated from the ballots. In such a case, should the deceased candidate poll the highest number of votes in the primary for party nomination to the office he sought, even though short of a majority, the proper party executive committee shall appoint the party nominee under the provisions of § 163-114. Should no candidate for the party nomination receive a majority of the votes cast in the primary and the second highest vote be cast for the deceased candidate, no second primary shall be held, and the proper board of elections shall declare the candidate receiving the highest vote the party's nominee for the office.

§ 163-113. Nominee's Right to Withdraw as Candidate. A person who has been declared the nominee of a political party for a specified office under the provisions of § 163-175, § 163-192, or § 163-110, shall not be permitted to resign as a candidate unless, at least 30 days before the general

election, he submits to the board of elections which certified his nomination a written request that he be permitted to withdraw.

§ 163-114. Filling Vacancies Among Party Nominees Occurring After Nomination and Before Election. If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

POSITION	VACANCY IS TO BE FILLED BY APPOINTMENT OF
Any elective State office United States Senator	State executive committee of political party in which vacancy occurs
A district office, including: Member of the United States House of Representatives Judge of Superior Court Judge of District Court Solicitor State Senator in a multi-county senatorial district not having a rotation agreement Member of State House of Representatives in a multi-county representative district	Appropriate district executive committee of political party in which vacancy occurs
State Senator in a single-county senatorial district State Senator in a multi-county senatorial district having a rotation agreement Member of State House of Representatives in a single-county representative district Any elective county office Any elective township office	County exective committee of political party in which vacancy occurs, but if the vacancy arises from a cause other than death, the vacancy shall not be filled unless the board of elections in the county in which the vacancy occurs issues an order to that effect

The party executive committee making a nomination in accordance with the provisions of this Section shall certify the name of its nominee to the chairman of the board of elections, State or county, charged with the duty of printing the ballots on which the name is to appear. If at the time a nomination is made under this Section the general election ballots have already been printed, the provisions of § 163-139 shall apply.

§ 163-115. Special Provisions for Obtaining Nominations When Vacancies Occur in Certain Offices. In the event a vacancy occurs in the

office of Clerk of Superior Court less than 30 days before a general election, the county executive committee of each political party may make a nomination as provided in § 163-114.

In the event a special election is called to fill a vacancy in the State's delegation in the United States House of Representatives, the provisions of § 163-13 shall apply.

If a vacancy occurs in an elective State or district office (other than member of the United States House of Representatives) during the period opening 10 days before the filing period for the office ends and closing 30 days before the ensuing general election, a nomination shall be made by the proper executive committee of each political party as provided in § 163-114, and the names of the nominees shall be printed on the general election ballots, unless the ballots have already been printed when the nominations are made, in which case the provisions of § 163-139 shall apply.

§ 163-116. Agreements for Rotation of Candidates in Senatorial Districts of More Than One County. When any senatorial district consists of two or more counties, in one or more of which the manner of nominating candidates for legislative offices is regulated by statute, and the privilege of selecting the candidate for Senator, or any one of the candidates for Senator, of any political party (as the words "political party" are defined in § 163-96) in the senatorial district, is, by agreement of the several executive committees representing that political party in the counties constituting the district, conceded to one county therein, such candidate may be selected in the same manner as the party's candidates for county officers in the county, whether in pursuance of statute or under the plan of organization of such party. All nominations of party candidates for the office of Senator, made as hereinbefore provided, shall be certified by the chairman of the county board of elections of the county in which the nomination is made, to each chairman of the county board of elections in all of the counties constituting the senatorial district, and it shall be the duty of each chairman of the other counties to which the nominations are certified to print the name or names of the nominee or nominees on the official county ballot for the general election.

§ 163-117 through § 163-121 reserved for future use.

Article 11.

Nomination by Petition.

§ 163-122. Independent Candidates Nominated by Petition. Any qualified voter who seeks to have his name printed on the general election ballot as an independent or nonpartisan candidate shall:

1. On or before the last Saturday in May preceding the general election, file with the appropriate board of elections, State or county, written petitions requesting him to be a candidate for a specified office, signed by qualified voters of the political division in which the office will be voted for equal in number to twenty-five per cent (25%) of those who, in the last gubernatorial election in the same political division, voted for Governor.

2. At the time of filing the petitions referred to in paragraph 1 of this Section, file with the chairman or secretary of the appropriate board

of elections his affidavit that he seeks to become an independent or nonpartisan candidate for the office specified and that he does not affiliate with any political party.

When the provisions of this Section have been complied with, the board of elections with which the petitions and affidavit have been filed shall cause the independent candidate's name to be printed on the general election ballots in accordance with the provisions of § 163-140.

§ 163-123 through § 163-127 reserved for future use.

SUBCHAPTER VI.

CONDUCT OF PRIMARIES AND ELECTIONS

Article 12.

Precincts and Voting Places.

§ 163-128. Election Precincts and Voting Places Established or Altered. Each county shall be divided into a convenient number of precincts for purposes of registration and voting, but no precinct shall encompass territory from more than one township. There shall be one voting place in each precinct conveniently located for a majority of the voters therein.

The county board of elections may adopt the present election precincts and voting places, or by resolution it may establish new ones, but the precincts and voting places fixed in each county shall remain as they now are until altered.

The county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts and voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, or discontinuing a precinct or voting place the county board of elections shall give 20 days' notice thereof prior to the beginning of the registration period at which it is to take effect, by advertising in some newspaper having general circulation in the county, or in lieu thereof, at the courthouse door and at three other public places in the county.

§ 163-129. Structure at Voting Place; Marking Off Limits of Voting Place. At the voting place in each precinct established under the provisions of § 163-128, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes. In its discretion, the county board of elections may direct the registrar and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it to insure that at no point the limits lie more than 100 feet from the ballot boxes or voting machines. The space roped off or enclosed

for the voting place may contain area both inside and outside the structure in which registration and voting are to take place.

§ 163-130 through § 163-134 reserved for future use.

Article 13.

General Instructions.

§ 163-135. Applicability of Article. (a) In General. The provisions of this Article shall apply to all elections in all counties, cities, towns, townships, and school districts in the State of North Carolina.

(b) Primary Elections. The provisions of this Article shall apply to all primary elections held in this State, or in any county, as fully as it applies to general elections.

(c) Special Elections. Every election held in pursuance of a writ from the Governor shall be conducted in accordance with the provisions of this Article, so far as the particular case can be governed by general rules.

(d) Referenda. This Article shall apply to and control all elections for the issuance of bonds and to all other elections in which any constitutional amendment, question, or issue is submitted to a vote of the people.

(e) Municipal Primaries and Elections. With respect to all municipal primaries and elections, wherever in this Article appear the words "county board of elections" shall be deemed to be written the words "city or town governing body"; and wherever appear the words "chairman of board of elections" shall be deemed to be written the words "mayor of town or city."

§ 163-136. Preparation, Distribution, and Financing of Ballots. (a) Ballots a public expense. All ballots cast in the elections, primaries, and referenda listed below shall be printed and distributed at public expense:

1. General and special elections for national, State, district, county, and municipal offices in the counties, districts, cities, towns, and other political subdivisions of the State.

2. Primaries for nomination of candidates for the offices listed in the preceding paragraph.

3. Elections or referenda for the issuance of bonds.

4. Elections or referenda in which any constitutional amendment, question or issue is submitted to a vote of the people.

(b) Printing and Distribution. The printing and distribution of ballots shall be arranged, handled, and paid for as follows:

1. For municipal elections, primaries, and referenda, by the municipal authorities conducting the election, primary, or referendum, at the expense of the municipality.

2. For county, township, single-county district, and legislative district elections, primaries, and referenda, by the responsible county board of elections, at the expense of the county.

3. For all elections, primaries, and referenda not specified in the two preceding paragraphs, by the State Board of Elections, at the expense of the State.

(c) Paper Ballots for General Elections Where Voting Machines are Used. In counties in which voting machines are used at some or all voting

places, paper ballots shall be printed for purposes of absentee voting in State-wide general elections under the provisions of Articles 20 and 21.

§ 163-137. General and Special Election Ballots; Names and Questions to be Printed Thereon; Distribution. (a) The ballots printed for use in general and special elections under the provisions of this Article shall contain:

1. The names of all candidates who have been put in nomination in accordance with the provisions of this chapter by any political party recognized in this State.

2. The names of all persons who have qualified as independent candidates under the provisions of § 163-122.

3. All questions, issues, and propositions to be voted on by the people.

(b) The ballots prepared for use in general and special elections under the provisions of this Article by the State Board of Elections shall be printed and delivered to the county boards of elections at least 45 days prior to the date of any election in which absentee voting is permitted and at least 30 days prior to the date of any election in which absentee voting is not permitted.

§ 163-138. Instructions for Printing Names on Primary and Election Ballots. In preparing primary, general, and special election ballots, the legal name of a candidate (together with his nickname in the situation outlined below) shall be printed precisely as it appears on the notice of candidacy form filed in accordance with § 163-106 or in petition forms filed in accordance with § 163-122. If the candidate has inserted a nickname on the notice of candidacy or in the petition, it shall be printed on the ballot immediately before the candidate's surname and shall be enclosed by parenthesis. No title, appendage, or appellation indicating rank, status, or position, shall be printed before or following or as a nickname or in connection with the name of any candidate on any ballot. Nevertheless, a candidate who is a married woman may use the prefix "Mrs." and a candidate who is a single woman may use the prefix "Miss" before her name if she so elects.

§ 163-139. Reprinting Ballots When Substitute Candidate is Named. (a) Before General or Special Election. After the official ballots for a general or special election have been printed by the proper elections board, the death, resignation, or disqualification of a candidate whose name appears on the official ballots shall not require that the ballots be reprinted, although the responsible board of elections may have the ballots reprinted if it desires to do so.

If a candidate dies, resigns, or otherwise becomes disqualified after his name has been printed on an official general or special election ballot, and if a nomination has been made to fill the vacancy as authorized by § 163-114, the name of the substituted nominee shall not appear on the official ballots unless the responsible board of elections decides that it is feasible and advisable to reprint the ballots to show the name of the substituted nominee. If the ballots are not reprinted, a vote cast for the candidate whose name is printed on the ballot shall be counted as a vote for the substituted candidate whose name has been certified to the appropriate board of elections under the provisions of § 163-114.

(b) Before Primary Election. The provisions of § 163-112 shall apply in the event a candidate for party nomination dies before the primary.

§ 163-140. Kinds of Ballots; What They Shall Contain; Arrangement. (a) Kinds of General Election Ballots; Right to Combine. For purposes of general elections, there shall be seven kinds of official ballots, entitled:

1. Ballot for Presidential Electors
2. Ballot for United States Senator
3. Ballot for Member of the United States House of Representatives
4. State Ballot
5. County Ballot
6. Township Ballot
7. Ballot for Constitutional Amendments and Other Propositions Submitted to the People. Use of official ballots shall be limited to the purposes indicated by their titles. The printing on all ballots shall be plain and legible but, unless large type is specified by this Section, type larger than 10-point shall not be used in printing ballots. All general election ballots shall be prepared in such a way as to leave sufficient blank space beneath each name printed thereon in which a voter may conveniently write the name of any person for whom he may desire to vote.

Unless prohibited by this Section, the board of elections, State or county, charged by law with printing ballots may, in its discretion, combine any two or more official ballots. Whenever two or more ballots are combined, the voting instructions for the State ballot set out in subsection (b) (4) of this Section shall be used.

(b) General Election Ballots.

(1) Ballot for Presidential Electors. On the ballot for presidential electors there shall be printed, under the titles of the offices, the names of the candidates for President and Vice President of the United States nominated by each political party qualified under the provisions of § 163-96. A separate column shall be assigned to each political party with candidates on the ballot, and the party columns shall be separated by distinct black lines. At the head of each column the party name shall be printed in large type and below it a circle, one-half inch in diameter, and below the circle the names of the party's candidates for President and Vice President in that order. On the face of the ballot, above the party column division, the following instructions shall be printed in heavy black type:

"1. To vote this ballot, make a cross (X) mark in the circle below the name of the political party for whose candidates you wish to vote.
2. A vote for the names of a political party's candidates for President and Vice President is a vote for the electors of that party, the names of whom are on file with the Secretary of State.
3. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

The official ballot for presidential electors shall not be combined with any other official ballots.

(2) Ballot for United States Senator. Beneath the title and general instructions set out in this subsection, the ballot for United States Senator shall be divided into parallel columns separated by distinct black lines. The

State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." The name of each political party's candidate for United States Senator shall be printed in the appropriate party column, and the names of independent candidates for the office shall be printed in the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

"1. Vote for only one candidate.

2. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

When the ballot for United States Senator is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot at the top above the party and independent column division:

"1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

3. If you tear or deface or wrongly mark this ballot, return it and get another."

(3) Ballot for Member of the United States House of Representatives. Beneath the title and general instructions set out in this subsection, the congressional district ballot for member of the United States House of Representatives shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having a candidate for the office and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." The name of each political party's candidate for member of the United States House of Representatives from the congressional district shall be printed in the appropriate party column, and the names of independent candidates for the office shall be printed in the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line. On the face of the ballot, above the party and

independent column division, the following instructions shall be printed in heavy black type:

"1. Vote for only one candidate.

2. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

When the ballot for member of the United States House of Representatives is combined with a ballot for another office, below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." The following instructions, in lieu of those specified in the preceding paragraph, shall be printed in heavy black type on the face of the combined ballot at the top above the party and independent column division:

"1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

3. If you tear or deface or wrongly mark this ballot, return it and get another."

(4) State Ballot. Beneath the title and general instructions set out in this subsection, the ballot for State officers (including Judges of the Superior Court) shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates for State offices and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the State Board of Elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed the title of the office, and directly below the title shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of independent candidates shall be printed in the appropriate office section of the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

"1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

3. If you should insert a cross (X) mark in one of the party circles at the top of the ballot and also mark in the voting square opposite the name of any candidate of any party, your ballot will be counted as a straight ticket vote for all of the candidates of the party whose circle you marked.

4. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the State Board of Elections.

(5) County Ballot. Beneath the title and general instructions set out in this subsection, the ballot for county officers (including solicitor for the solicitorial district in which the county is situated, District Judge for the District Court district in which the county is situated, and members of the General Assembly in the senatorial and representative districts in which the county is situated) shall be divided into parallel columns separated by distinct black lines. The county board of elections shall assign a separate column to each political party having candidates for the offices on the ballot and one to independent candidates, if any. At the head of each party column the party's name shall be printed in large type, and at the head of the column for independent candidates shall be printed in large type the words "Independent Candidates." Below the party name in each column shall be printed a circle, one-half inch in diameter, around which shall be plainly printed the following instruction: "For a straight ticket, mark within this circle." With distinct black lines, the county board of elections shall divide the columns into horizontal sections and, in the customary order of office, assign a separate section to each office or group of offices to be filled. On a single line at the top of each section shall be printed the title of the office, and directly below the title shall be printed a direction as to the number of candidates for whom a vote may be cast. If candidates are to be chosen for different terms to the same office, the term in each instance shall be printed as part of the title of the office.

The name or names of each political party's candidate or candidates for each office listed on the ballot shall be printed in the appropriate office section of the proper party column, and the names of independent candidates shall be printed in the appropriate office section of the column headed "Independent Candidates." At the left of each name shall be printed a voting square, and in each column all voting squares shall be arranged in a perpendicular line.

On the face of the ballot, above the party and independent column division, the following instructions shall be printed in heavy black type:

"1. To vote for all candidates of one party (a straight ticket), make a cross (X) mark in the circle of the party for whose candidates you wish to vote.

2. To vote for candidates of more than one party (a split ticket), do not mark in any party circle, but make a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

3. If you should insert a cross (X) mark in one of the party circles at the top of the ballot and also mark in the voting square opposite the name of any candidate of any party, your ballot will be counted as a straight ticket vote for all of the candidates of the party whose circle you marked.

4. If you tear or deface or wrongly mark this ballot, return it and get another."

On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the county board of elections.

(6) Township Ballot. The township ballot shall contain the names of candidates for constable and justices of the peace, and shall be prepared by the county board of elections in conformity with the instructions prescribed in this Section for the county ballot.

(7) Ballot for Constitutional Amendments and Other Propositions Submitted to the People. The form of ballot used in submitting a constitutional amendment or other proposition or issue to the voters of the entire State shall be prepared by the State Board of Elections and approved by the Attorney General. The form of ballot used in submitting propositions and issues to the voters of a single county or subdivision shall be prepared by the county board of elections. In a referendum the issue presented to the voters with respect to each constitutional amendment, question, or proposition, shall be printed in the form laid down by the General Assembly or other body submitting it. If more than one amendment, question, or proposition is submitted on a single ballot, each shall be printed in a separate section, and the sections shall be numbered consecutively. On the face of the ballot, above the issue or issues being submitted, shall be printed instructions for marking the voter's choice, in addition to the following instruction: "If you tear or deface or wrongly mark this ballot, return it and get another." On the bottom of the ballot shall be printed an identified facsimile of the signature of the chairman of the responsible board of elections, State or county.

(c) Primary Election Ballots.

(1) Kinds of Primary Ballots; Right to Combine. For purposes of primary elections, there shall be five kinds of official ballots, entitled:

1. Primary Ballot for United States Senator
2. Primary Ballot for Member of the United States House of Representatives
3. State Primary Ballot
4. County Primary Ballot
5. Township Primary Ballot

Use of official primary ballots shall be limited to the purposes indicated by their titles. The printing on all primary ballots shall be plain and legible but, unless large type is specified by this chapter, type larger than 10-point shall not be used in printing primary ballots.

Primary ballots shall be prepared in accordance with the provisions of § 163-109 and the provisions of this Section as modified by the provisions of this subsection.

(2) Separate Ballots For Each Political Party. For each political party conducting a primary election separate ballots shall be printed, and the paper used for each party's ballots shall be different in color from that used for the ballots of other parties. Primary ballots shall not provide for voting a straight party ticket, but a voting square shall be printed to the left of the name of each candidate appearing on the ballot.

(3) Rotation of Positions on Ballots Among Candidates. The board of elections, State or county, responsible for printing and distributing primary election ballots shall have them printed so that the names of opposing candidates for any office shall, as far as practicable, occupy alternate positions upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots; and the ballots shall be distributed among the precinct voting places impartially and without discrimination.

(4) Facsimile Signatures. On the bottom of each primary ballot shall be printed an identified facsimile of the signature of the chairman of the board of elections, State or county, responsible for its preparation.

(d) Municipal Primary and Election Ballots. In all city and town primaries and elections there shall be an official ballot on which shall be printed the names of all candidates for offices in the city or town. The municipal ballot shall conform as nearly as possible to the provisions of subsections (a) through (c) of this Section, but on the bottom of the municipal ballot shall be printed an identified facsimile of the signature of the city or town clerk.

§ 163-141. Sample Ballots. Sample ballots of each kind to be voted in each primary and election shall be printed by the board of elections responsible for printing the official ballots. Sample ballots shall be printed on paper of a color different from that used for the official ballots, and each sample ballot shall have the words "Sample Ballot" printed conspicuously on its face. Sample ballots shall be used for instructional purposes and shall not be used as official ballots.

The State Board of Elections shall distribute the sample ballots for which it is responsible to the county boards of elections at the time it distributes the official ballots; and the county board of elections, at the time it is required to distribute official ballots, shall furnish each precinct registrar with an adequate supply of the sample ballots prepared by the State Board of Elections as well as of those the county board is required to prepare.

§ 163-142. Number of Ballots to be Furnished Each Voting Place; Packaging; Date of Delivery; Receipt for Ballots; Accounting for Ballots. The county board of elections shall furnish each precinct voting place with

each kind of ballot to be voted in the primary or election in a number equal to one hundred five per cent (105%) of the number of persons registered to vote in the primary or election in the precinct.

Each kind of ballot shall be wrapped in a separate package or packages for each precinct voting place. The number of ballots to be placed in each package shall be determined by the chairman of the county board of elections, and the outside of each package shall be marked or stamped to show the kind of ballot and the number contained.

Three days before the primary or election, the county board of elections shall deliver to each precinct registrar the required number of ballots of each kind to be voted in his precinct, and the registrar shall immediately give a receipt for the ballots delivered to him in accordance with the information marked or stamped on the ballot packages.

Within three days after the primary or election, the registrar shall deliver to the county board of elections all ballots spoiled in his precinct. At the same time he shall also deliver to the county board of elections all unused ballots from his precinct. Thereupon, the county board of elections shall make a check to ascertain whether the total of spoiled ballots and unused ballots, when added to the number of ballots cast in the precinct, equal the total number of ballots furnished to and receipted for by the registrar prior to the primary or election.

The provisions of this Section shall not apply to voting places at which voting machines are used.

§ 163-143. Ballot Boxes to be Furnished Each Voting Place; Date of Delivery; Receipt for Boxes. The county board of elections shall furnish each precinct voting place with a ballot box for each kind of ballot to be voted in the primary or election, together with one additional box in which spoiled ballots are to be deposited. Each box shall be plainly marked to indicate the ballots to be deposited therein, and the extra box to be delivered to each precinct shall be marked "For Spoiled Ballots."

Each ballot box shall be designed so that it may be locked and sealed and shall be constructed with an opening in the top large enough to allow a single ballot to be easily passed through, but no larger. At the time ballot boxes are delivered to the precinct, the chairman of the county board of elections shall furnish each registrar with a lock and proper seals for each box to be used in his precinct, with instructions as to how each box is to be securely locked and sealed in compliance with § 163-171.

Three days before the primary or election, the county board of elections shall deliver to each precinct registrar the number of ballot boxes required for his precinct, and the registrar shall immediately give a receipt for them.

The provisions of this Section shall not apply to voting places at which voting machines are used.

§ 163-144. Lost, Destroyed, Damaged, and Stolen Ballots; Replacement; Report. Should official ballots furnished to any precinct in accordance with the provisions of this chapter be lost, destroyed, damaged, or stolen, the county board of elections, upon ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed replacement ballots.

Within three days after the primary or election, the registrar of the

precinct in which the loss occurred shall make a written report, under oath, to the county board of elections describing in detail the circumstances of the loss, destruction, damage, or theft of the ballots.

§ 163-145. Voting Booths; Description; Provision. The county board of elections shall furnish each voting place with at least one voting booth for each 100 persons qualified to vote in the precinct. Each voting booth shall be at least three feet square and six feet high; it shall have three sides and a door or curtain in front. The bottom of the door or curtain shall hang two feet above the floor. Each voting booth shall be equipped with a table or shelf on which voters may conveniently mark their ballots.

The provisions of this Section shall not apply to voting places at which voting machines are used.

§ 163-146. Voting Enclosure at Voting Place; Furnishings; Arrangement. At each precinct voting place as described in § 163-129, there shall be a room or area set apart as the voting enclosure. The limits of the voting enclosure shall be defined by walls or guard-rails which at no point stand nearer than 10 feet nor farther than 20 feet from the ballot boxes or voting machines. This enclosure shall be arranged so that a single door or opening (not more than three feet wide) can be used as both the entrance and exit for persons seeking to vote.

Within the voting enclosure and in plain view of the qualified voters present at the voting place shall be placed:

1. A table or desk on which the registrar shall place and use the precinct registration books and records.

2. A table or desk on which the responsible judge shall place and superintend the ballots for distribution and the box for spoiled ballots.

3. A table or desk on which the responsible judge shall place and maintain the poll book.

4. The ballot boxes.

5. The voting booths.

All voting booths and ballot boxes shall be placed in plain view of the registrar and judges as well as of the qualified voters present at the voting place.

The registrar's table shall be placed near the entrance to the voting enclosure.

Each voting booth shall be located and arranged so that it is impossible for a voter in one booth to see a voter in another booth in the act of marking his ballots. Each voting booth shall be kept properly lighted and provided with pencils or pens for marking ballots.

In precincts in which voting machines are used, ballot boxes and voting booths shall not be used. Within the voting enclosure at the voting place in such a precinct, each machine shall be placed so that the exterior from all its sides is visible and so that whenever it is not in use by a voter the ballot labels on its face may be plainly seen by the precinct officials and assistants, and by watchers appointed under the provisions of § 163-45. Precinct election officials and assistants shall not place themselves, nor shall they permit any other person to place himself, in any position that will permit one to see or ascertain how a voter votes on a voting machine except when the voter obtains assistance as provided in this chapter.

No political banner, poster, or placard shall be allowed in or upon the voting place during the day of a primary or election.

§ 163-147. No Loitering or Electioneering Allowed Within 50 Feet of Voting Place. No person shall, while the polls are open at the voting place on the day of a primary or election, loiter about or do any electioneering within the voting place or within 50 feet thereof.

§ 163-148. Procedures at Voting Place Before Polls Are Opened. At least one-half hour before the time set for opening the polls for each primary and election, the judges of elections, assistants, and, if allowed, official markers, shall meet the registrar at the precinct voting place, at which time the registrar shall administer to them the appropriate oaths set out in § 163-41(a), § 163-42, and § 163-44.

The registrar and judges shall arrange the voting enclosure according to the requirements of § 163-146 and the instructions of the county board of elections. They shall then unlock the official ballot boxes, see that they are empty, allow authorized watchers and other voters present to examine the boxes, and then they shall relock them while still empty. They shall open the sealed packages of ballots, and one of the judges, at the registrar's request, shall announce that the polls are open and state the hour at which they will be closed.

If voting machines are used in the precinct, immediately before the polls are opened the registrar and judges shall open each voting machine, examine the ballot labels, and check the counters to see that they are set to indicate that no votes have been cast or recorded; at the same time, the precinct officials shall allow authorized watchers and other voters present to examine the machines. If found to be in order and the ballot labels in proper form, the precinct officials shall lock and seal each machine, and it shall remain locked until after the polls are closed.

§ 163-149. Protection of Ballots, Ballot Boxes, Poll Book, and Registration Records on Day of Primary or Election. When the empty official ballot boxes have been relocked after the inspection required by § 163-148 before the polls are opened on the day of each primary and election, they shall not be unlocked or opened until the polls are closed.

Only official ballots shall be allowed to be deposited in the ballot boxes, and no other articles or matter shall be placed in them.

No person shall purposely deface or tear an official ballot in any manner, and no person shall purposely erase any name or mark written on a ballot by a voter.

From the time the polls are opened until the precinct count has been completed, the returns signed, and the results declared, no person shall take or remove from the voting enclosure the official ballot boxes, the box for spoiled ballots, the poll book, the registration book or records, or any official ballots.

§ 163-150. Voting Procedures. (a) Checking Registration. A person seeking to vote shall enter the voting enclosure at the voting place through the appropriate entrance and shall at once state his name and place of residence to one of the judges of election. In a primary election, the voter shall also state the political party with which he affiliates and in whose primary he desires to vote. The judge to whom the voter gives this in-

formation shall announce the name and residence of the voter in a distinct tone of voice. After examining the precinct registration records, the registrar shall state whether the person seeking to vote is duly registered.

(b) Distribution of Ballots; Information. If the voter is found to be registered and is not challenged, or, if challenged and the challenge is overruled as provided in § 163-88, the responsible judge of election shall hand him an official ballot of each kind he is entitled to vote. In a primary election the voter shall be furnished ballots of the political party with which he affiliates and no others. It shall be the duty of the registrar and judges holding the primary or election to give any voter any information he desires in regard to the kinds of ballots he is entitled to vote and the names of the candidates on the ballots. In response to questions asked by the voter, the registrar and judges shall communicate to him any information necessary to enable him to mark his ballot as he desires.

(c) Act of Voting. When a person is given official ballots by the judge, he shall be deemed to have begun the act of voting, and he shall not leave the voting enclosure until he has deposited his ballots in the ballot boxes or returned them to the precinct officials. When he leaves the voting enclosure, whether or not he has deposited his ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for the purpose of voting. On receiving his ballots, the voter shall immediately retire alone to one of the voting booths unless he is entitled to assistance under the provisions of § 163-152, and without undue delay he shall mark his ballots in accordance with the provisions of § 163-151. No voter shall be allowed to occupy a booth already occupied by another, and no voter shall be allowed to occupy a booth more than five minutes if all the booths are in use and other voters are waiting to obtain booths.

(d) Spoiled and Damaged Ballots. If a voter spoils or damages a ballot, he may obtain another upon returning the spoiled or damaged ballot to the registrar. A voter shall not be given a replacement ballot until he has returned the spoiled or damaged ballot, and he shall not be given more than three replacement ballots in all. The registrar shall deposit each spoiled or damaged ballot in the box provided for that purpose.

(e) Depositing Ballots and Leaving Enclosure. When the voter has marked his ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand them to the registrar or a judge who shall deposit them for him. If he does not mark a ballot he shall return it to one of the precinct officials before leaving the voting enclosure. If the voter has been challenged and the challenge has been overruled, before depositing his ballots in the boxes he shall write his name on each of his ballots so they may be identified in the event his right to vote is again questioned. After depositing his ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless he is one of the persons authorized by law to remain within the enclosure for purposes other than voting.

(f) Maintenance of Poll Book or Other Record of Voting. At each primary and election, one of the judges designated by the registrar shall keep the poll book in which he shall enter the name of every person who shall vote. In a primary election each voter's party affiliation shall be entered

in the proper column of the book opposite his name. The judge shall make each entry at the time ballots are handed to the voter. As soon as the polls are closed and the names of absentee voters have been entered as required by § 163-234, the registrar and judges of election shall sign the poll book immediately beneath the last voter's name entered therein. The registrar or the judge appointed to attend the county canvass shall deliver the poll book to the chairman of the county board of elections at the time of the county canvass, and the chairman shall remain responsible for its safekeeping.

In counties which adopt full-time and permanent registration, no poll book shall be required; in lieu thereof, a permanent poll record shall be kept upon the registration certificates in a form approved by the county board of elections.

§ 163-151. Method of Marking Ballots in Primary and Election. The voter shall adhere to the following rules in marking his ballots:

(a) In Both Primaries and Elections.

1. A voter may designate his choice of candidate by making a cross (X) mark, a check mark, or some other clear indicative mark in the appropriate voting square or circle.

2. A voter should not mark more names for any office than there are positions to be filled by election.

3. A voter should not affix a sticker to a ballot, mark a ballot with a rubber stamp, attach anything to a ballot, wrap or fold anything in a ballot, or do anything to a ballot other than mark it properly with pencil or pen.

4. A voter should follow the instructions printed on the ballot.

(b) In An Election But Not in a Primary.

1. If a voter desires to vote for all candidates of one political party (a straight ticket) he shall either:

a. Make a cross (X) mark in the circle printed below the name of the party at the top of the ballot; or

b. Make a cross (X) mark in the voting square at the left of the name of every candidate of the party printed on the ballot.

2. If a voter desires to vote for candidates of more than one political party (a split ticket), he shall not mark in the circle printed below the name of any party on the ballot; instead, he shall make a cross (X) mark in the voting square at the left of the name of each candidate for whom he desires to vote without regard to the party column in which the names are printed.

3. If a voter desires to vote for a person whose name is not printed on the ballot, he shall write the name of the person for whom he wishes to vote in the space immediately beneath the name of a candidate printed in the section of the ballot assigned to the particular office. In such a situation, the voter shall write the name himself unless he is receiving assistance to which he is entitled under the provisions of § 163-152, in which case the person rendering assistance may write the name for the voter under his direction.

4. In elections for county offices in Bertie County, in elections for municipal offices in the towns of Clayton in Johnston County, Elm City

in Wilson County, Fremont in Wayne County, Gaston in Northampton County, Roseboro in Sampson County, Snow Hill in Greene County, Tarboro in Edgecombe County, and Weldon in Halifax County, and in elections for municipal offices in all the municipalities in Bertie and Franklin counties, if there are multiple positions to be filled in a single office, the voter shall cast his vote for as many candidates as there are positions to be filled in that office.

(c) In a Primary.

1. A voter should not write the name of any person on the official ballot.

2. In primary elections for county offices in the counties of

Bertie	Granville	Onslow
Bladen	Greene	Pender
Catawba	Halifax	Perquimans
Chowan	Hoke	Robeson
Columbus	Jones	Sampson
Cumberland	Lenoir	Scotland
Duplin	Northampton	Surry, and
Franklin		Wayne,

in primary elections for municipal offices in the municipalities in those counties, and in primary elections for municipal offices in the towns of Elm City in Wilson County, and Robersonville and Williamston in Martin County, if there are multiple positions to be filled in a single office, the voter shall cast his vote for as many candidates as there are positions to be filled in that office.

§ 163-152. Assistance to Voters in Primaries and Elections.

(a) In Primaries:

(1) Who is entitled to assistance: In a primary election, a registered voter qualified to vote in the primary shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

a. Any voter shall be entitled to assistance from a near relative of his choice.

b. If no near relative of the voter's choice is present at the voting place, a voter in any of the following three categories shall be entitled to assistance from any voter of the precinct who has not given aid to another voter at the same primary; or, if no such person be present at the voting place, from the registrar or one of the judges of election:

1. One who, on account of physical disability, is unable to enter the voting booth without assistance.

2. One who, on account of physical disability, is unable to mark his ballots without assistance.

3. One who, on account of illiteracy, is unable to mark his ballots without assistance.

(2) Procedure for Obtaining Assistance. A person seeking assistance in a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or other voter of the

precinct he desires to help him and to whose assistance he is entitled under this Section. The registrar shall thereupon direct the near relative or other voter indicated to render the requested aid. If no near relative or other voter of the voter's choice is present, the voter entitled to assistance may request and obtain aid from the registrar or one of the judges.

(b) In Elections.

(1) In a County Which Has Not Adopted Full-time and Permanent Registration.

a. Who is entitled to assistance: In any election other than primary, a registered voter shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

1. Any voter shall be entitled to assistance from a near relative of his choice.

2. A voter in any of the following four categories shall be entitled to assistance from a marker:

I. One who, on account of physical disability, is unable to enter the voting booth without assistance.

II. One who, on account of physical disability, is unable to mark his ballots without assistance.

III. One who, on account of illiteracy is unable to mark his ballots without assistance.

IV. One who, for any good reason stated to the registrar, desires help in marking his ballots.

b. Procedures for obtaining assistance: A person seeking assistance in an election other than a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or marker he desires to help him and to whose assistance he is entitled under this Section. The registrar shall thereupon direct the near relative or marker indicated to render the requested aid. Should a voter seeking assistance from a marker fail to indicate the marker he desires to help him, the registrar shall appoint one from the markers present at the voting place to render the requested aid.

(2) In a County Which Has Adopted Full-time and Permanent Registration.

a. Who is entitled to assistance: In any election other than a primary, a registered voter shall be entitled to assistance in getting to and from the voting booth and in preparing his ballots in accordance with the following rules:

1. Any voter shall be entitled to assistance from a near relative of his choice.

2. If no near relative of the voter's choice is present at the voting place, a voter in any of the following three categories shall be entitled to assistance from any voter of the precinct who has not given aid

to another voter at the same election; or if no such person be present at the voting place, from the registrar or one of the judges of election:

I. One who, on account of physical disability, is unable to enter the voting booth without assistance.

II. One who, on account of physical disability, is unable to mark his ballots without assistance.

III. One who, on account of illiteracy, is unable to mark his ballots without assistance.

b. Procedure for obtaining assistance: A person seeking assistance in an election other than a primary shall, upon arriving at the voting place, first request the registrar to permit him to have assistance, stating his reasons. If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the near relative or other voter of the precinct he desires to help him and to whose assistance he is entitled under this Section. The registrar shall thereupon direct the near relative or other voter indicated to render the requested aid. If no near relative or other voter of the voter's choice is present, the voter entitled to assistance may request and obtain aid from the registrar or one of the judges.

(c) Conduct of Person Rendering Assistance.

Anyone rendering assistance to a voter in a primary or election under the provisions of this Section shall be admitted to the voting booth with the person being assisted and shall be governed by the following rules:

(1) He shall not in any manner seek to persuade or induce any voter to cast his vote in any particular way.

(2) Except when going to or returning from a voting booth with a voter as authorized by this Section, he shall remain within the voting place but shall not come within 10 feet of the voting enclosure.

(3) Immediately after rendering assistance, he shall vacate the voting booth and withdraw to his place in the voting place outside the voting enclosure.

(4) He shall not accompany the voter from the voting booth to the ballot box unless the voter requires and requests assistance on account of physical disability; if assistance is rendered in this way, he shall not converse with the voter prior to the time he deposits his ballots in the ballot boxes.

(5) He shall not make or keep any memorandum of anything which occurs within the voting booth.

(6) He shall not, directly or indirectly, reveal to any person how, in any particular, the assisted voter marked his ballots, unless he or they are called upon to testify in a judicial proceeding for a violation of the election laws.

(d) Meaning of "Near Relative".

As used in this Section, the words "near relative" shall include the voter's husband, wife, brother, sister, parent, child, grandparent, and grandchild, but no other relative.

(e) Violation of Section.

It shall be unlawful for any person to give, receive, or permit assistance in the voting booth during any primary or election to any voter otherwise than as is allowed by this Section.

§ 163-153. Access to Voting Enclosure. Admission to the voting enclosure while the polls are open shall be governed by the following rules:

1. In counties which have not adopted full-time and permanent registration, only the following persons shall be allowed within the voting enclosure while the polls are open for voting:

a. Officers of election, that is, members of the State Board of Elections, members of the county board of elections, and the precinct registrar, precinct judges of election, and assistants appointed for the precinct under the provisions of § 163-42.

b. Voters in the act of voting.

c. A near relative of a voter, but only while assisting the voter as authorized in § 163-152.

d. Watchers appointed under the provisions of § 163-45.

e. Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the registrar and judges for the purpose of preventing disorder; at the request of the registrar and judges, they shall withdraw from the voting enclosure and remain at least 10 feet from its entrance.

f. In elections other than primaries, markers appointed under the provisions of § 163-44, but only while assisting a voter as authorized in § 163-152.

g. In a primary election, any voter of the precinct called upon to assist another voter, but only while rendering the assistance authorized in § 163-152.

h. Any voter of the precinct while entering and explaining a challenge.

2. In counties which adopt full-time and permanent registration, only the following persons shall be allowed within the voting enclosure while the polls are open for voting:

a. Officers of election, that is, members of the State Board of Elections, members of the county board of elections, and the precinct registrar, precinct judges of election, and assistants appointed for the precinct under the provisions of § 163-42.

b. Voters in the act of voting.

c. A near relative of a voter, but only while assisting the voter as authorized in § 163-152.

d. Any voter of the precinct called upon to assist another voter, but only while assisting him as authorized in § 163-152.

e. Municipal policemen assigned by the municipal authorities to keep the peace at a voting place located within the municipality, but only when requested to come within the voting enclosure by the registrar and judges for the purpose of preventing disorder; at the request of the registrar and judges, they shall withdraw from the voting enclosure and remain at least 10 feet from its entrance.

f. Any voter of the precinct while entering and explaining a challenge.

§ 163-154. Posting Lists of Civilian and Military Absentee Voters and New Resident Presidential Elections Voters. (a) In General Elections. When delivered to the registrar at the voting place on the day of a general election as required by § 163-233, § 163-251, or § 163-73, the registrar shall immediately post in a conspicuous location at the voting place:

1. The list (and any supplemental lists) of absentee ballots to be voted in the precinct which have been received by the chairman of the county board of elections.

2. The list (and any supplemental lists) entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prepared in compliance with the provisions of § 163-251.

3. The list of new resident voters of the precinct entitled to cast ballots for presidential electors but for no other offices prepared by the chairman of the county board of elections in compliance with the provisions of § 163-73.

(b) In Primary Elections. When delivered to the registrar at the voting place on the day of a primary election, the registrar shall immediately post in a conspicuous place at the voting place the list (and any supplemental lists) entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prepared by the chairman of the county board of elections in compliance with the provisions of § 163-251.

§ 163-155 through § 163-159 reserved for future use.

Article 14.

Voting Machines.

§ 163-160. Voting Machines; Approval; Rules and Regulations. The State Board of Elections shall have authority to approve types and kinds of voting machines for use in primaries and elections held in this State. The use of voting machines which have been approved by the State Board of Elections in any primary or election held in any county or municipality shall be as valid as the use of paper ballots by the voters.

The State Board of Elections shall prescribe rules and regulations for the adoption, handling, operation, and honest use of voting machines, including, but not limited to, rules and regulations governing:

1. Types of voting machines approved for use in this State;
2. Form of ballot labels to be used on voting machines;
3. Operation of and manner of voting on voting machines;
4. Instruction of precinct election officials in the use of voting machines;
5. Instruction of voters in the use of voting machines;
6. Assistance to voters using voting machines;
7. Duties of custodians of voting machines; and
8. Examination of voting machines before use in a primary or election.

§ 163-161. Adoption of Voting Machines by County or Municipality. (a) Discretionary Authority. In whatever manner and upon whatever terms the board of county commissioners deems to be in the best interest of the county, it may adopt and purchase or lease voting machines of a type approved by the State Board of Elections for use in some or all voting places in the county at some or all primaries and elections. Specifically, the board may purchase voting machines upon an installment basis or

otherwise, or it may lease voting machines with or without an option to purchase.

The governing body of any municipality shall have the same authority with respect to the acquisition and use of voting machines for municipal primaries and elections.

In addition, the governing body of any municipality and the board of commissioners of the county in which the municipality is situated shall have authority jointly, upon such terms as they may agree to, to adopt and purchase or lease voting machines for use in some or all voting places of the county and municipality at some or all primaries and elections held in the two units of government.

Before adopting or acquiring voting machines under the authority of this subsection, the commissioners of the county, or the governing body of the municipality, or both jointly, may, at their discretion, submit to the voters of the county, or the municipality, or of both units, the question of whether voting machines should be adopted for use in primaries and elections in the unit or units. The question may be submitted at any general election or special election ordered to be held for some purpose other than the submission of this issue. The results of the referendum authorized under this subsection shall be advisory only and shall not bind the governing body submitting the question.

(b) Referendum Discretionary Upon Petition. Upon receipt of a written petition signed by at least 500 registered voters of the county or municipality, the board of county commissioners or municipal governing body may submit to the voters of the county or municipality the question of adopting voting machines for use in all voting places of the county or municipality at all primaries and elections held in the unit. In such a case, each person signing the petition shall write the name or number of his precinct after his name.

The question may be submitted at any general election or special election ordered or held for some purpose other than the submission of this issue. If a majority of the voters casting ballots in the referendum approve the adoption of voting machines, the board of county commissioners or the governing body of the municipality, may adopt for use in primaries and elections in the unit voting machines of a type or kind approved by the State Board of Elections.

(c) Care and Custody of Voting Machines. When the unit governing body has decided to adopt and purchase voting machines under the provisions of subsection (a) of this Section, or when the adoption of voting machines has been approved in a referendum conducted under the provisions of subsection (b) of this Section, the board of county commissioners or municipal governing body shall, as soon as practical, provide for each voting place in the unit one or more approved voting machines in complete working order. If it is impractical to furnish each voting place with voting machines, those obtained may be placed in voting places chosen, in the case of a county, by the county board of elections, and in the case of a municipality, by the governing body.

The county board of elections or the municipal governing body shall appoint as many voting machine custodians as may be necessary for the

proper preparation of the machines for each primary and election and for their maintenance, storage, and care.

§ 163-162. Use of Paper Ballots Where Voting Machines Used. In counties in which voting machines are used in some or all precincts the county board of elections shall have authority to furnish paper ballots of each kind to precincts using voting machines for use by persons required to sign their ballots under the provisions of G. S. 163-150(e).

§ 163-163 through § 163-167 reserved for future use.

Article 15.

Counting Ballots, Canvassing Votes, and Certifying Results in Precinct and County.

§ 163-168. Proceedings When Polls Are Closed. At 6:30 p.m., on the day of an election or primary, the precinct registrar shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line within the voting enclosure waiting to vote, shall be allowed to mark and cast their ballots.

§ 163-169. Counting Ballots at Precinct; Unofficial Report of Precinct Vote to County Board of Elections. (a) Instructions. Before each primary and election, the chairman of the county board of elections shall furnish each registrar written instructions on how ballots shall be marked and counted. Before starting the counting of ballots in his precinct, the registrar shall instruct all of the judges, assistants, and ballot counters in how differently marked ballots shall be counted and tallied.

(b) General Rule. Only official ballots shall be counted. No ballot shall be counted which is marked contrary to law, but no ballot shall be rejected for a technical error unless it is impossible to determine the voter's choice.

(c) Right to Witness Precinct Count. The counting of the ballots in each box shall be made in the presence of the precinct election officials and witnesses and watchers who are present and desire to observe the count. Observers shall not interfere with the orderly counting of the ballots.

(d) Counting to be Continuous; Precinct Officials Not to Separate. As soon as the polls are closed the registrar and judges shall, without adjournment or postponement, open the ballot boxes and count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one box may be counted at the same time by the precinct officials, assistants, and ballot counters, but the registrar and judges shall supervise the counting of all boxes and shall be responsible for them. From the time the first ballot box is opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified as required by § 163-173, and delivered to the registrar or judge chosen to deliver them to the county board of elections, the precinct registrar and judges shall not separate, nor shall any one of them leave the voting place except for unavoidable necessity.

(e) Counting Primary Ballots. In a primary election only one ballot shall be removed from the ballot box at a time, and it shall be opened in full view of the precinct election officials and witnesses present. The name of each candidate voted for shall be read aloud distinctly, and the vote

received by each candidate shall be tallied on the tally sheet. This procedure shall be followed for all ballot boxes being counted at the same time.

(f) Counting General Election Ballots. In a general election the contents of a ballot box may be emptied upon a table and the ballots divided into two piles: (1) All those ballots marked in the circle of one political party to indicate a vote for all of the candidates of that party, that is, "straight tickets," which shall be so counted and tallied. (2) All those ballots marked for candidates of more than one political party, that is, "split tickets," which shall be called and tallied in the manner prescribed for counting primary ballots in subsection (e) of this Section.

(g) Questioned Ballots. All questions arising with respect to how a ballot shall be counted or tallied shall be referred to the registrar and judges of election for determination before the completion of the counting of the ballots in the box from which the questioned ballot was taken.

(h) Unofficial Report of Precinct Returns. On the night of the primary or election, as soon as the votes have been counted and the precinct returns certified, the registrar, or one of the judges selected by the registrar, shall report the total precinct vote for each candidate, constitutional amendment, and proposition by telephone or otherwise to the county board of elections. This report shall be unofficial and shall have no binding effect upon the official county canvass to follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to the county board of elections shall publish the reports to the press, radio, and television. The costs incurred in executing the provisions of this subsection shall be charged to the operating expense of the county board of elections.

(i) Absentee Ballots. Absentee ballots shall be deposited and voted in accordance with the provisions of § 163-234; they shall be counted and tabulated as provided in this Section and § 163-170.

(j) Presidential Ballots of New Resident Voters. The ballots of all new resident voters cast for presidential electors under the provisions of § 163-56 and § 163-73 which are not challenged or, if the challenge is not sustained, shall be counted and tallied in the manner provided in subsection (i) of this Section for counting and tallying absentee ballots, and shall be made a part of the official precinct returns for presidential electors.

§ 163-170. Rules For Counting Ballots. No ballot shall be counted which is marked contrary to law, but no ballot shall be rejected for a technical error unless it is impossible to determine the voter's choice. In applying this general principle, all election officials shall be governed by the following rules:

1. Only official ballots shall be counted.

2. If for any reason it is impossible to determine a voter's choice for an office to be filled, the ballot shall not be counted for that office but shall be counted for all other offices.

3. If a ballot is marked for more names than there are persons to be elected to an office, it shall not be counted for that office but shall be counted for all other offices.

4. If a ballot has been defaced or torn by a voter it shall not be counted.

5. If a voter has affixed a sticker to a ballot, marked a ballot with a rubber stamp, attached anything to a ballot, wrapped or folded anything in a ballot, or done anything to a ballot other than mark it properly with pencil or pen, it shall not be counted.

6. If a name has been written in on an official general election ballot as provided in § 163-151(b), it shall be counted in accordance with the following instructions:

a. If the name was written in by an election official or by any person other than the voter himself or a person assisting him pursuant to the provisions of § 163-152, the name written in shall not be counted.

b. If the name has been written in the space immediately beneath the name of a candidate for a particular office, it shall be counted as a vote for the person whose name has been written in for that office whether or not the voter has made any mark to the left of the name inserted. Striking out, marking through, or crossing out the name printed above the write-in shall not affect the validity of the write-in, nor shall it serve to invalidate the ballot or the vote for the particular office.

c. If the voter has marked the party circle above the column in which he has entered the write-in, the following instructions shall apply:

(1) If the voter has made no mark to the left of the name written in, his ballot shall be counted as a vote for the person whose name has been inserted and for all other nominees of the party in whose circle he has marked except the one beneath whose printed name the voter has made the write-in: Provided, however, if the person whose name has been written in appears on the ballot as the nominee of a different political party for any office, the write-in shall be ignored, and the ballot shall be counted as a vote for all the nominees of the party in whose circle the voter has marked.

(2) If the voter has made a mark to the left of a name written in, his write-in shall be ignored, and his ballot shall be counted as a vote for all the nominees of the party in whose circle the voter has marked.

d. If the voter has marked the party circle at the top of one column on the ballot and has made a write-in under a name printed in a different column, the write-in shall be ignored, and his ballot shall be counted as a vote for all the nominees of the party in whose circle he has marked.

7. In an election other than a primary, if a voter in one of the counties or municipalities listed in paragraph 4 of § 163-151(b) fails to adhere to the instructions set out in that paragraph, his ballot shall not be counted for any of the candidates for any of the multiple positions to be filled in the single office.

8. In a primary election, if a voter in one of the counties or municipalities listed in paragraph 2 of § 163-151(c) fails to adhere to the instructions set out in that paragraph, his ballot shall not be counted for any of the candidates for any of the multiple positions to be filled in the single office.

§ 163-171. Preservation of Ballots; Locking and Sealing Ballot Boxes; Signing Certificates. When the precinct count is completed after a primary or election, all ballots shall be put back in the ballot boxes from which they were taken, and the registrar and judges shall promptly lock and place a seal around the top of each ballot box, so that no ballot may be

taken from or put in it. The registrar and judges shall then sign the seal on each ballot box.

Ballot boxes in which ballots have been placed and which have been locked and sealed as required by the preceding paragraph shall remain in the safe custody of the registrar, subject to the orders of the chairman of the county board of elections as to their disposition. No ballot box shall be opened except upon the written order of the county board of elections or upon a proper order of court.

Ballots cast in a primary or general election shall be preserved for at least two months after the primary or general election in which voted.

On each precinct return form there shall be printed a statement to be signed by the registrar and judges certifying that, after the precinct count was completed, each ballot box was properly locked, sealed, and the seals signed, as prescribed in this Section, before the precinct officials left the voting place on the night of the primary or election.

Wilful failure to securely lock, seal, and sign the seal on each ballot box on the night of any primary or election, and wilful failure to sign the certificate on the duplicate return forms certifying that this was done, shall constitute a misdemeanor.

§ 163-172. State Board of Elections to Prepare and Distribute Abstract Forms. The State Board of Elections shall prepare and print appropriate abstract of returns forms and, at least 30 days before the time for holding any primary or election, send copies of them to the chairman of the county board of elections and Clerk of Superior Court of each county. At the same time, the State Board of Elections shall furnish directions for completing, certifying, signing, and transmitting abstracts of returns to the State Board of Elections and Secretary of State as required by this chapter after each primary and election.

§ 163-173. How Precinct Returns Are to Be Made. In each precinct, when the results of the counting of the ballots have been ascertained they shall be recorded in original and duplicate statements to be prepared, signed, and certified to by the registrar and judges on forms provided by the county board of elections.

One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the registrar or a judge selected by the precinct officials for the purpose of delivery to the county board of elections at its meeting on the second day after the primary or election. The other copy of the statement shall be mailed immediately to the chairman of the county board of elections by one of the other two precinct election officials.

Any registrar or judge appointed to deliver the certified precinct returns who shall fail to deliver them to the county board of elections by 12:00 noon, on the day the board meets to canvass the returns shall be guilty of a misdemeanor, unless the failure resulted from illness or other good cause.

§ 163-174. Registration and Poll Books to Be Returned to Chairman of County Board of Elections. On the day of the county canvass following each primary and election, the registrar (or judge appointed to bring

in the precinct returns) shall deliver the precinct registration book or records and the poll book to the chairman of the county board of elections.

§ 163-175. County Board of Elections to Canvass Returns and Declare Results. On the second day (Sunday excepted) next after every primary and election, the county board of elections shall meet at 11:00 a.m., at the county courthouse, for the purpose of canvassing the votes cast in the county and preparing the county abstracts. If the returns from any precinct have not been received by the county board by 12:00 noon, on that day, or if the returns of any precinct are incomplete or defective, the board shall have authority to dispatch a peace officer to the residences of the election officials of the delinquent precinct for the purpose of securing proper returns for that precinct.

In the presence of such persons as choose to attend, the members of the county board of elections shall open the precinct returns, canvass and judicially determine the results of the voting in the county, and prepare and sign duplicate abstracts showing:

1. In a primary, the total number of votes cast in each precinct and in the county for each candidate of each political party for each office.

2. In an election, the number of legal votes cast in each precinct for each candidate, the name of each person voted for, the political party with which he is affiliated, and the total number of votes cast in the county for each person for each different office.

In complying with the provisions of this Section, the county board of elections shall have power and authority to judicially pass upon all facts relative to the primary or election, to make or order such recounts as it deems necessary, and to judicially determine the result of the primary or election. The board shall also have power to send for papers and persons and to examine them, and to pass upon the legality of any disputed ballots transmitted to it by any precinct election official.

When, on account of errors in tabulating returns and filling out abstracts, the result of a primary or election in any one or more precincts cannot be accurately known, the county board of elections shall be allowed access to the ballot boxes in such precincts to make or order a recount and to declare the result.

When the county board of elections has judicially determined the result of the primary or election, the chairman of the board shall proclaim the result at the courthouse door, stating the number of votes cast in the county for each candidate for each office.

§ 163-176. Preparation of Original Abstracts; Where Filed. When the county canvass has been completed, the county board of elections shall record the results determined in accordance with § 163-175 on duplicate abstract forms furnished by the State Board of Elections.

Each abstract shall be prepared to show the total number of votes cast for each constitutional amendment and proposition and for each candidate of each political party for each office in each precinct and in the entire county.

When the original and duplicate abstracts have been prepared, the members of the county board of elections shall sign an affidavit on each, stating that it is true and correct.

Each of the original abstracts, together with the original precinct returns, shall be filed by the county board of elections with the Clerk of Superior Court to be recorded in the permanent file in his office.

§ 163-177. Disposition of Duplicate Abstracts. Within five days after a primary or election is held, the chairman of the county board of elections shall mail to the chairman of the State Board of Elections the duplicate abstracts prepared in accordance with § 163-176 for all offices and referenda for which the State Board of Elections is required to canvass the votes and declare the results, including:

President and Vice President of the United States
Governor, Lieutenant Governor, and all other State executive officers
United States Senators
Members of the House of Representatives of the United States Congress
Justices of the Supreme Court
Judges of the Superior Courts
Judges of the District Courts
Solicitors
State Senators in multi-county senatorial districts
Members of the State House of Representatives in multi-county representative districts
Constitutional amendments and other propositions submitted to the voters of the State

The duplicate abstracts prepared in accordance with § 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results:

All county offices
All township offices
State Senators in single-county senatorial districts
Members of the State House of Representatives in single-county representative districts
Propositions submitted to the voters of one county

If the chairman of the county board of elections fails or neglects to transmit duplicate abstracts to the chairman of the State Board of Elections within the time prescribed in this Section, he shall be guilty of a misdemeanor and subject to a fine of one thousand dollars ($1,000.00): Provided, that the penalty shall not apply if the chairman was prevented from performing the prescribed duty because of sickness or other unavoidable delay, but the burden of proof shall be on the chairman to show that his failure to perform was due to sickness or unavoidable delay.

§ 163-178. Clerk of Superior Court to Send Statement of Votes to Secretary of State. In a general election, the Clerk of the Superior Court shall, within two days after the original abstracts are filed in his office by the county board of elections, certify under his official seal to the Secretary of State, upon forms furnished him by the State Board of Elections for that purpose, a statement of the votes cast in his county for all national, State, and district offices, and for and against constitutional amendments and propositions submitted to the people. At the same

time, the Clerk of Superior Court shall also certify under his official seal to the Secretary of State a list of all the persons voted for in his county as members of the State Senate and House of Representatives and all county offices, together with the votes cast for each and their post office addresses.

If the Clerk of Superior Court fails or neglects to transmit these returns to the Secretary of State within the time specified in this Section, he shall be guilty of a misdemeanor and subject to a fine of five hundred dollars ($500.00): Provided, that the penalty shall not apply when the clerk was prevented from performing his duties because of sickness or other unavoidable delay, but the burden of proof shall be on the clerk to show that his failure to perform his duties was due to sickness or unavoidable delay.

The provisions of this Section, unless changed by general rules promulgated by the State Board of Elections, shall also apply to primary elections.

§ 163-179. Who Declared Elected by County Board. In a general election, the person having the greatest number of legal votes for a county or township office, or for membership in one of the houses of the General Assembly in a representative or senatorial district composed of only one county, shall be declared elected by the county board of elections: Provided, however, that as a prerequisite to election, a write-in candidate for any office must receive as many as five per cent (5%) of the votes cast for candidates for the United States House of Representatives in the township or county or other jurisdiction in which he is running.

If two or more candidates in the categories listed in this Section, having the greatest number of votes, shall have an equal number, the county board of elections shall determine by lot which shall be elected.

§ 163-180. Chairman of County Board of Elections to Furnish Certificate of Election. Not earlier than five days nor later than 10 days after the results of an election have been officially determined and published in accordance with § 163-175 and § 163-179, the chairman of the county board of elections shall furnish to each of the following persons appropriate certificates of election under his hand and seal: county officers, township officers, and persons elected to membership in the General Assembly in representative and senatorial districts composed of only one county. He shall also immediately notify all persons elected to county offices to meet at the courthouse on the first Monday in the ensuing December to be qualified.

In issuing certificates of election under this Section, the chairman of the county board of elections shall be restricted by the provisions of § 163-181.

§ 163-181. Election Contest Stays Certification of Nomination or Election. If an election contest is properly pending before a county board of elections or on appeal from a county board to the State Board of Elections, after either a primary or election, the chairman of the county board of elections shall not, in the case of an election, issue a certificate of election, or in the case of a primary, certify the nominee, for the office

in controversy until the contest has been finally decided by the county or State Board of Elections.

§ 163-182 through § 163-186 reserved for future use.

Article 16.

Canvass of Returns for Higher Offices and Preparation of State Abstracts.

§ 163-187. State Board of Elections to Canvass Returns for Higher Offices. In addition to the other powers and duties assigned it by this chapter, the State Board of Elections shall constitute the State's legal canvassing board in both primaries and elections for all national, State, and district offices (including the offices of State Senator and member of the State House of Representatives in those senatorial and representative districts consisting of more than one county).

No member of the State Board of Elections shall take part in canvassing the votes for any office for which he himself is a candidate.

§ 163-188. Meeting of State Board of Elections to Canvass Returns of Primary and Election. Following each primary and election held in this State under the provisions of this chapter, the State Board of Elections shall meet in the Hall of the House of Representatives in the City of Raleigh to canvass the votes cast in all the counties of the State for all national, State, and district offices, to determine by the count who is nominated or elected to the respective offices, and to declare the results and prepare abstracts as required by § 163-192. The time and date of the general election canvass shall be 11:00 a.m., on the Tuesday following the third Monday after the general election. The time and date of the primary canvass shall be fixed by the State Board of Elections.

At the meeting required by the preceding paragraph, if the abstracts of returns have not been received from all of the counties, the Board may adjourn for not more than 10 days for the purpose of securing the missing abstracts. In obtaining them, the Board is authorized to secure the originals or copies from the appropriate Clerks of Superior Court or county boards of elections, at the expense of the counties. The State Board of Elections is authorized to enforce the penalties provided in § 163-177 and § 163-178 for failure of a county elections board chairman or Clerk of Superior Court to comply with the provisions of this chapter in making returns of a primary or election.

At the meeting required by the first paragraph of this Section (or at any adjourned session thereof), the State Board of Elections shall examine the county abstracts when they have all been received and shall proceed with the canvass publicly.

§ 163-189. Meeting of State Board of Elections to Canvass Returns of a Special Election for United States Senator or Representative. If a special election is ordered by the Governor to fill a vacancy in the State's representation in the United States Senate or House of Representatives as provided for in § 163-12 or § 163-13, the State Board of Elections may meet for the purposes prescribed in § 163-188 as soon as its chairman shall have received abstracts of returns from all of the counties entitled to vote in the special election. The chairman of the State Board shall fix the day

of the meeting not later than 10 days after the special election, and county boards of elections shall transmit their abstracts of returns to the State Board in sufficient time to be available for the State canvass.

§ 163-190. State Board of Elections May Refer to Ballot Boxes to Resolve Doubts. When, on account of errors in tabulating returns and filling out abstracts, the result of a primary or election in any precinct, county, district, or the State cannot be accurately known, the State Board of Elections shall be allowed access to the ballot boxes to make or order a recount and to declare the results.

§ 163-191. Contested Primaries and Elections; How Tie Broken. In a primary for party nomination for one or more of the offices to be canvassed by the State Board of Elections under the provisions of § 163-187, the results shall be determined in accordance with the provisions of § 163-111.

In a general election for one or more of the offices to be canvassed by the State Board of Elections under the provisions of § 163-187, the person having the highest number of votes for each office, respectively, shall be declared duly elected to that office by the State Board of Elections. But if two or more be equal and highest in votes for the office, then one of them shall be chosen by joint ballot of both houses of the General Assembly.

In a contested election for one of the offices referred to in the preceding paragraph, the State Board of Elections shall certify to the Speaker of the House of Representatives a statement of whatever facts the Board has relative thereto, and the contest shall be determined by joint vote of both houses of the General Assembly in the manner and under the rules applicable in cases of contested elections for members of the General Assembly.

§ 163-192. State Board of Elections to Prepare Abstracts and Declare Results of Primaries and Elections. (a) After Primary. At the conclusion of its canvass of the primary election, the State Board of Elections shall prepare separate abstracts of the votes cast:

(1) For Governor and all State officers, Justices of the Supreme Court, Judges of the Superior Court, and United States Senators.

(2) For members of the United States House of Representatives for the several congressional districts in the State.

(3) For District Court Judges for the several judicial districts in the State.

(4) For solicitor in the several solicitorial districts in the State.

(5) For State Senators in the several senatorial districts in the State composed of more than one county.

(6) For members of the State House of Representatives in the several representatives districts in the State composed of more than one county.

Abstracts prepared by the State Board of Elections under this subsection shall state the total number of votes cast for each candidate of each political party for each of the various offices canvassed by the State Board of Elections. They shall also state the name or names of the person

or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be nominated for each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the Great Seal of the State affixed thereto.

(b) After General Election. At the conclusion of its canvass of the general election, the State Board of Elections shall prepare abstracts of the votes cast:

(1) For President and Vice President of the United States, when an election is held for those offices.

(2) For Governor and all State officers, Justices of the Supreme Court, Judges of the Superior Court, and United States Senators.

(3) For members of the United States House of Representatives for the several congressional districts in the State.

(4) For District Court Judges for the several judicial districts in the State.

(5) For solicitor in the several solicitorial districts in the State.

(6) For State Senators in the several senatorial districts in the State composed of more than one county.

(7) For members of the State House of Representatives in the several representative districts in the State composed of more than one county.

(8) For and against any constitutional amendments or propositions submitted to the people.

Abstracts prepared by the State Board of Elections under this subsection shall state the names of all persons voted for, the office for which each received votes, and the number of legal ballots cast for each candidate for each office canvassed by the State Board of Elections. They shall also state the name or names of the person or persons whom the State Board of Elections shall ascertain and judicially determine by the count to be elected to each office.

Abstracts prepared under this subsection shall be signed by the members of the State Board of Elections in their official capacity and shall have the Great Seal of the State affixed thereto.

(c) Disposition of Abstracts of Returns. The State Board of Elections shall file with the Secretary of State the original abstracts of returns prepared by it under the provisions of subsections (a) and (b) of this Section, and also the duplicate county abstracts transmitted to the State Board of Elections under the provisions of § 163-177.

§ 163-193. Results of Election Certified to Secretary of State; Certificates of Election. After ascertaining and declaring the result of an election as provided in § 163-192(b), the State Board of Elections shall certify the result to the Secretary of State. The Secretary of State shall then prepare and sign a certificate of election for each person elected and deliver it to him upon demand.

§ 163-194. Governor to Issue Commissions to Certain Elected Officials. Every person duly elected to one of the offices listed below, upon obtaining a certificate of his election from the Secretary of State under the provisions of § 163-193, shall procure from the Governor a commission at-

testing his election to the specified office, which the Governor shall issue upon production of the Secretary of State's certificate:

Member of the United States House of Representatives,
Justice of the Supreme Court,
Judge of the Superior Court,
Judge of the District Court,
Solicitor.

§ 163-195. Secretary of State to Record Abstracts. The Secretary of State shall record the State, district, and county abstracts filed with him by the State Board of Elections in a book to be kept by him for that purpose.

§ 163-196 through § 163-200 reserved for future use.

Article 17.

Members of United States House of Representatives.

§ 163-201. Congressional Districts Specified. For the purpose of nominating and electing members of the House of Representatives of the United States Congress in 1966 and every two years thereafter, there are established the following congressional districts, from each of which one representative shall be elected:

District 1 shall consist of Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Martin, Northhampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington counties.

District 2 shall consist of Edgecombe, Franklin, Granville, Greene, Halifax, Johnston, Lenoir, Vance, Warren, and Wilson counties.

District 3 shall consist of Carteret, Duplin, Harnett, Lee, Onslow, Pender, Sampson, and Wayne counties.

District 4 shall consist of Chatham, Montgomery, Moore, Nash, Orange, Randolph, and Wake counties.

District 5 shall consist of Caswell, Durham, Forsyth, Person, Rockingham, and Stokes counties.

District 6 shall consist of Alamance, Davidson, and Guilford counties.

District 7 shall consist of Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson, and Scotland counties.

District 8 shall consist of Anson, Lincoln, Mecklenburg, Richmond, and Union counties.

District 9 shall consist of Alleghany, Ashe, Cabarrus, Caldwell, Davie, Rowan, Stanley, Surry, Watauga, Wilkes, and Yadkin counties.

District 10 shall consist of Alexander, Avery, Burke, Catawba, Cleveland, Gaston, and Iredell counties.

District 11 shall consist of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey counties.

§ 163-202. Election After Reapportionment of Members of House of Representatives. Whenever, by a new apportionment of members of the United States House of Representatives, the number of Representatives from North Carolina shall be changed, and neither the Congress nor the General Assembly shall provide for electing them, the following procedures shall apply:

(1) If the number of Representatives is increased, the Representative from each of the existing congressional districts shall be elected by the qualified voters of his district, and the additional Representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State.

(2) If the number of Representatives is decreased, existing congressional district lines shall be ignored, and all Representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State.

§ 163-203 through § 163-207 reserved for future use.

Article 18.

Presidential Electors.

§ 163-208. Conduct of Presidential Election. Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this chapter for the election of State officers.

§ 163-209. Names of Presidential Electors Not Printed on Ballots. The names of candidates for electors of President and Vice President nominated by any political party recognized in this State under § 163-96 shall be filed with the Secretary of State but shall not be printed on the ballot. In place of their names, in accordance with the provisions of § 163-140 there shall be printed on the ballot the names of the candidates for President and Vice President of each political party recognized in this State. A vote for the candidates named on the ballot shall be a vote for the electors of the party by which those candidates were nominated and whose names have been filed with the Secretary of State.

§ 163-210. Governor to Proclaim Results; Casting State's Vote for President and Vice President. Upon receipt of the abstracts prepared by the State Board of Elections and delivered to him in accordance with § 163-192, the Secretary of State, under his hand and the seal of his office, shall certify to the Governor the names of the persons elected to the office of elector for President and Vice President of the United States as stated in the abstracts of the State Board of Elections. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the Hall of the House of Representatives in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh.

On or before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Administrator of General Services, a certificate under the Great Seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. At the same time he shall deliver to the electors six duplicate-originals of the same certificate, each bearing the Great Seal of the State.

In case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to file the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice President of the United States.

§ 163-211. Compensation of Presidential Electors. Presidential electors shall be paid, for attending the meeting held in the City of Raleigh on the first Monday after the second Wednesday in December next after their election, the sum of ten dollars ($10.00) per day and traveling expenses at the rate of five cents (5¢) per mile in going to and returning home from the required meeting.

§ 163-212. Penalty for Failure of Presidential Elector to Attend and Vote. Any presidential elector having previously signified his consent to serve as such, who fails to attend and vote for President and Vice President of the United States at the time and place directed in § 163-210 (except in case of sickness or other unavoidable accident) shall forfeit and pay to the State five hundred dollars ($500.00), to be recovered by the Attorney General in the Superior Court of Wake County.

§ 163-213 through § 163-217 reserved for future use.

Article 19.

Petitions for Elections and Referenda.

§ 163-218. Registration of Notice of Circulation of Petition. From and after July 1, 1957, notice of circulation of a petition calling for any election or referendum shall be registered with the county board of elections with which the petition is to be filed, and the date of registration of the notice shall be the date of issuance and commencement of circulation of the petition.

§ 163-219. Petition Void After One Year From Registration. Petitions calling for elections and referenda shall be and become void and of no further effect one year after the date the notice of circulation is registered with the county board of elections with which it is required to be filed; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall thereafter be called or held pursuant to or based upon any such void petition.

§ 163-220. Limitation on Petitions Circulated Prior to July 1, 1957. Petitions calling for elections or referenda which were circulated prior to July 1, 1957, shall be and become void and of no further force and effect one year after the date of issuance of such petitions for circulation; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall be called or held pursuant to or based upon any such void petition from and after July 1, 1957.

§ 163-221 through § 163-225 reserved for future use.

SUBCHAPTER VII.
ABSENTEE VOTING
Article 20.
Absentee Ballot.

§ 163-226. Who May Vote An Absentee Ballot. Any qualified voter of the State, whether or not in the armed forces of the United States, may vote by absentee ballot in a State-wide general election in the manner provided in this Article if:

1. He expects to be absent from the county in which he is registered during the entire period that the polls are open on the day of the State-wide general election in which he desires to vote; or

2. He is unable to be present at the voting place to vote in person on the day of the State-wide general election in which he desires to vote because of his sickness or other physical disability.

§ 163-227. Application for Absentee Ballots; Forms of Application. A voter falling in either of the categories defined in § 163-226 may apply for absentee ballots not earlier than 45 days prior to the State-wide general election in which he seeks to vote and not later than 6:00 p.m. on Wednesday before that election. Except as provided in the following paragraph, the voter shall apply for absentee ballots under the provisions of subsection (a) or subsection (b) of this Section.

If a voter unexpectedly becomes ill or physically disabled to the extent defined in § 163-226 after 6:00 p.m., on Wednesday and before 10:00 a.m., on Monday before the election, he may apply for absentee ballots under the provisions of subsection (c) of this Section.

(a) Expected Absence From County on Election Day. A voter expecting to be absent from the county in which registered during the entire period that the polls will be open on election day, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not earlier than 45 days nor later than 6:00 p.m., on Wednesday before the election. The application shall be submitted in the form set out at the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections.

The applicant shall sign his application personally, and he shall swear to it before an officer with a seal who is authorized to administer oaths. The officer administering the oath shall sign the certificate below the applicant's signature and shall affix his official seal in the place indicated on the form.

The application form, when properly filled out, signed, sworn and certified to, shall be transmitted by mail or delivered in person by the applicant to the chairman of the board of elections of the county in which he is registered.

The form for use in applying for absentee ballots under this subsection shall be as follows:

"Affidavit and Application for Ballots by Voter Who Expects to be Absent From County in Which Registered on Election Day

(Anyone who falsifies this statement is subject to a fine or imprisonment, or both.)
Application No. ..... issued to ..... (This line shall be filled out before application is issued.)
State of .....
County of .....

I, ..., do solemnly swear that I am a registered voter residing in ..... precinct, ... township, in the County of ....., North Carolina, and that I am lawfully entitled to vote in that precinct at the general election to be held therein on the ..... day of ....., 19.....; that I expect to be absent from the county of my residence during the entire period that the polls will be open on the day of the general election, and that I will have no opportunity to vote in person on that day.

I hereby make application for an official ballot or ballots on which I may vote at the general election specified. I will return the ballot or ballots by mail or will deliver them in person to the chairman of the board of elections of the county of my residence prior to 12:00 noon, on Saturday preceding the election in which they shall be cast.

.....
(Signature of Applicant)

.....
(Post office address to which ballots are to be mailed)

Subscribed and sworn to by ..... before me, this ..... day of ....., 19.....

.....
(Signature of officer administering oath)

(SEAL)

.....
(Post office address of officer)"

(b) Absence for Sickness or Physical Disability Occurring Before 6:00 p.m., on Wednesday Prior to Election. A voter expecting to be unable to go to the voting place to vote in person on election day because of his sickness or other physical disability, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not earlier than 45 days nor later than 6:00 p.m., on Wednesday before the election. The application shall be submitted in the form set out at the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections.

The application shall be signed by the voter personally.

The voter shall swear to his signature before an officer with a seal who is authorized to administer oaths, and the officer administering the oath shall sign the certificate below the applicant's signature on the form and shall affix his official seal in the place indicated thereon.

The application form, when properly filled out, signed, sworn and certified to, shall be transmitted by mail or delivered in person by the

applicant to the chairman of the board of elections of the county in which he is registered.

The form for use in applying for absentee ballots under this subsection shall be as follows:

"Affidavit and Application for Ballots by Voter Who Expects to be Unable to Go to Voting Place on Election Day Because of Sickness or Physical Disability Occurring Prior to 6:00 p.m., on Wednesday Before the Election

(Anyone who falsifies this statement is subject to a fine or imprisonment, or both.)

Application No. ..... issued to ..... (This line shall be filled out before application is issued.)

State of North Carolina

County of .....

I, ..., do solemnly swear that I am a registered voter residing in ..... precinct, ... township, in the County of ....., North Carolina, and that I am lawfully entitled to vote in that precinct at the general election to be held therein on the ..... day of ....., 19.....; that by reason of sickness or physical disability, to wit: .....

.....

(Insert here statement of nature of illness or disability)

I will be unable to travel from my home or place of confinement to the voting place in my precinct on election day.

I hereby make application for an official ballot or ballots on which I may vote at the general election specified. I will return the ballot or ballots by mail or will deliver them in person to the chairman of the board of elections of the county of my residence prior to 12:00 noon, on Saturday preceding the election in which they shall be cast.

.....

(Signature of Applicant)

.....

(Post office address to which ballots are to be mailed)

Subscribed and sworn to by ..... before me this ..... day of ....., 19.....

.....

(Signature of officer administering oath)

(SEAL)

.....

(Post office address of officer)"

(c) Absence for Sickness or Physical Disability Occurring After 6:00 p.m., on Wednesday Prior to Election. A voter expecting to be unable to go to the voting place to vote in person on election day because of sickness or other physical disability occurring after 6:00 p.m., on Wednesday before the election, shall make written application for absentee ballots to the chairman of the board of elections of the county in which he is registered not later than 10:00 a.m., on Monday preceding the election. The ap-

plication shall be submitted in the form set out at the end of this subsection upon a copy which shall be furnished the voter by the chairman of the county board of elections.

The chairman of the county board of elections shall not issue or accept an application under the provisions of this subsection later than 10:00 a.m., on Monday preceding the election in which the applicant seeks to vote.

The application shall be signed by the voter personally, or it may be signed for him by the voter's husband, wife, brother, sister, parent, or child. The application shall be signed in the presence of a witness who shall sign his name in the place provided on the form.

The certificate printed on the application form below the signatures of the applicant and his subscribing witness shall be filled in and signed in the presence of a witness by a licensed physician who is attending the applicant. The witness to the physician's certificate shall sign his name in the place provided on the form.

The application form, when properly filled out, signed by or for the applicant in the presence of a subscribing witness as provided in this subsection, and certified and signed by the attending physician in the presence of a subscribing witness, may be transmitted by mail to the chairman of the board of elections of the county in which the applicant is registered, or it may be delivered to the chairman in person by the applicant or by his wife, husband, brother, sister, parent, or child.

The form for use in applying for absentee ballots under this subsection shall be as follows:

"Application For Ballots by Voter Who Expects to be Unable to go to Voting Place on Election Day Because of Sickness or Physical Disability Occurring After 6:00 p.m., on Wednesday Before the Election, and Certificate of Attending Physician

(Anyone who falsifies this statement is subject to a fine or imprisonment, or both.)

Application No. ..... issued to ..... (This line shall be filled out before application is issued.)

State of North Carolina
County of .....

I, ..., do hereby certify that I am a registered voter residing in ..... precinct, ... township, in the county of ....., North Carolina, and that I am lawfully entitled to vote in that precinct at the general election to be held therein on the ..... day of ....., 19.....; that by reason of sickness or physical disability occurring since 6:00 p.m., last Wednesday, I will be unable to travel from my home or place of confinement to the voting place in my precinct on election day.

I hereby make application for an official ballot or ballots on which I may vote at the general election specified. I will transmit the ballot or ballots to

the chairman of the board of elections of the county of my residence prior to 3:00 p.m., on election day.

This ..... day of ....., 19.....

.....
(Signature of Applicant or person completing form for applicant)

.....
(Address to which ballots are to be delivered)

.....
(Relationship of person completing form for applicant if not completed by applicant in person)

Witness:.....
(Signature of person witnessing signing of application)

.....
(Address of witness)

"Physician's Certificate

State of .....
County of .....

I, ..., do hereby certify that I am a physician, duly licensed to practice medicine in the State of .....; that I have examined ..... (insert applicant's name) on ..... (insert date) for an illness or physical disability occurring since 6:00 p.m., last Wednesday, and that I believe that he (or she) will be physically incapable of being at the voting place at the election to be held on the ..... day of ....., 19....., for the following reasons: ..... (insert reasons in space provided).

This ..... day of ....., 19.....

.....
(Signature of physician)

.....
(Address of physician)

Witness:.....
(Signature of person witnessing signing of certificate)

.....
(Address of witness)"

(d) Application Forms Issued by Chairman of County Board of Elections. The chairman of the county board of elections shall be sole custodian of all absentee ballot application forms. In accordance with one of the following two procedures, he shall issue and deliver a single application form, upon request, to a person authorized to sign such an application under the provisions of this Section:

1. He may deliver the form to a voter personally at the office of the county board of elections for the voter's own use; or

2. He may mail the form to a voter for his own use upon receipt of a written request from the voter.

The chairman shall not entrust any other person to deliver an application form to a voter, nor shall he mail an application form to a voter who has not made written request for one, except as provided in subsection (e) of this Section.

At the time he issues an application form, the chairman of the county board of elections shall number it and write the applicant's name in the space provided therefor at the top of the form. At the same time the chairman shall insert the applicant's name and the number assigned his application in the Register of Absentee Ballot Applications and Ballots Issued provided for in § 163-228.

The chairman shall issue only one application form to a voter unless a form previously issued is returned to the chairman and marked "Void" by him. In such a situation, the chairman may issue another application form to an authorized person, but he shall retain the voided application form in his records.

(e) Applications for Absentee Ballots Transmitted by Mail or in Person. An application for absentee ballots shall be made and signed only by the voter desiring to use them and shall be valid only when transmitted to the chairman of the county board of elections in person or by the United States mail: Provided, that a voter who becomes sick or physically disabled after 6:00 p.m., on Wednesday before the election may have an application prepared, signed, and transmitted to the chairman of the county board of elections in accordance with the provisions of subsection (c) of this Section.

§ 163-228. Register of Absentee Ballot Applications and Ballots Issued; a Public Record. The State Board of Elections shall furnish the chairman of the board of elections in each county of the State with a book to be called the Register of Absentee Ballot Applications and Ballots Issued in which shall be recorded whatever information and official action may be required by this Article.

The Register of Absentee Ballot Applications and Ballots Issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time within 30 days before and 30 days after a State-wide general election, or at any other time when good and sufficient reason may be assigned for its inspection.

§ 163-229. Absentee Ballots, Container-Return Envelopes, and Instruction Sheets. (a) Absentee ballot form: In accordance with the provisions of § 163-230(c), persons entitled to vote by absentee ballot shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used.

(b) Container-return envelope: In time for use not later than 45 days before a State-wide general election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the chairman of the county board of elections. Each container-return envelope shall be printed in accordance with the following instructions:

1. On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the

number assigned his application, and the designation of the precinct in which his ballots are to be voted.

2. On the other side shall be printed the return address of the chairman of the county board of elections and the following affidavit:

"Affidavit of Absentee or Sick Voter

State of .....
County of .....

I, ..., do solemnly swear that I am a resident and registered voter in ..... precinct, ... County, North Carolina; that on the day of the general election, November ....., 19....., [check whichever of the following statements is correct]

[ ] I will be absent from the county in which I reside.
[ ] Due to sickness or physical disability, I will be unable to travel to the voting place in the precinct in which I reside.

I further swear that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions.

.....
(Signature of voter)

Sworn to and subscribed before me this ..... day of ....., 19.....

.....
(Signature of officer administering oath)

(SEAL)

.....
(Title of officer)

Note: The acknowledgment of a member of the armed forces of the United States may be taken before any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces.

(c) Instruction sheets: In time for use not later than 45 days before a State-wide general election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections.

§ 163-230. Consideration and Approval of Applications and Issuance of Absentee Ballots. The procedure to be followed in receiving applications for absentee ballots, passing upon their validity, and issuing absentee ballots shall be governed by the provisions of this Section.

(a) Record of applications received and ballots issued: Upon receipt of a voter's written application for absentee ballots the chairman of the county board of elections shall promptly enter in the Register of Absentee Ballot Applications and Ballots Issued so much of the following information as he has not already entered thereunder the provisions of § 163-227(d):

1. Name of voter applying for absentee ballots.
2. Number of assigned voter's application when issued.

3. Precinct in which applicant is registered.
4. Address to which ballots are to be mailed.
5. Reason assigned for requesting absentee ballots.
6. Date application for ballots is received by chairman.

(b) Determination of validity of applications for absentee ballots: The county board of elections shall constitute the proper official body to pass upon the validity of all applications for absentee ballots received in the county; this function shall not be performed by the chairman or any other member of the board individually.

1. Required meetings of county board of elections: During the period opening 45 days before a State-wide general election and closing at 6:00 p.m., on Wednesday before the election, the county board of elections shall hold public meetings on Monday and Friday of each week at 10:00 a.m., and it shall also hold public meetings at 10:00 a.m., on both Thursday and Monday immediately preceding election day. These meetings shall be held at the county courthouse or at the elections board's office at the hour fixed by law. At these meetings the county board of elections shall pass upon applications for absentee ballots.

Upon a majority vote, the county board of elections may hold the required public meetings at an hour other than 10:00 a.m., and it may hold more than one session on each Monday and Friday it is required to meet and may set the hours of any additional sessions. If the board desires to exercise either or both of the options granted by the preceding sentence, it shall do so prior to the date on which it is required to hold its first public meeting under the provisions of this subsection and in time to give the notice required by the fourth paragraph of this numbered portion of this subsection; thereafter, no change shall be made in the hours fixed for the board's public meetings on absentee ballot applications.

It shall not be necessary for the chairman of the county board of elections to give notice to other board members of weekly meetings of the board which are fixed as to time and place by this Section.

If the county board of elections changes the time of holding its Monday and Friday meetings or provides for additional meetings on Mondays and Fridays in accordance with the terms of this subsection, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper circulated in the county, and a notice thereof shall be posted at the courthouse door of the county, at least one week prior to the time fixed for holding the first meeting under this subsection.

The county board of elections shall not be required to hold any of the meetings prescribed by this subsection unless, since its last preceding meeting, it actually has received one or more applications for absentee ballots which it has not passed upon. When no meeting is to be held for this reason, the chairman shall notify each of the other members of the county board of elections that the scheduled public meeting will not be held and state the reasons for its cancellation.

2. Procedure at required meeting; making determination: At each public meeting of the county board of elections the chairman shall present for consideration, and the board shall pass upon, the validity of all ap-

plications for absentee ballots received since its last preceding public meeting held for that purpose. In connection with each application received by mail the chairman shall also present the container envelope in which the application was received. At each such meeting any registered voter of the county shall be heard and allowed to present evidence in opposition to, or in favor of, the issuance of absentee ballots to any voter making application for them.

The county board of elections may consider the registration book evidence of the voter's signature if available and any other evidence that may be necessary to pass upon such an application.

If the board finds that the applicant is a qualified voter of the county, that he is registered in the precinct stated in his application, that the assertions in his application are true, and that his application is in proper form, it shall approve his application for absentee ballots.

3. Record of board's determination; decision final: At the time the county board of elections makes its decision on an application for absentee ballots, the chairman shall enter in the appropriate column in the Register of Absentee Ballot Applications and Ballots Issued opposite the name of the applicant a notation of whether his application was "Approved" or "Disapproved." The decision of the board on the validity of an application for absentee ballots shall be final, subject only to such review as may be necessary in the event of an election contest.

(c) Delivery of absentee ballots and container-return envelope to applicant: When the county board of elections approves an application for absentee ballots, the chairman shall promptly issue and transmit them to the applicant in accordance with the following instructions:

1. On the top margin of each ballot the applicant is entitled to vote, the chairman shall write or type the words "Absentee Ballot No. ....." and insert in the blank space the number assigned the applicant's application in the Register of Applications for Absentee Ballots and Ballots Issued. He shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter.

2. The chairman shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of § 163-229(b), the absentee voter's name, his application number, and the designation of the precinct in which his ballots are to be voted. The chairman shall leave the container-return envelope holding the ballots unsealed.

3. The chairman shall then place the unsealed container-return envelope holding the ballots, together with printed instructions for voting and returning the ballots, in an envelope addressed to the applicant at the post office address stated in his application, seal the envelope, and mail it at the expense of the county board of elections, or deliver it to the applicant in person: Provided, that in case of approval of an application received after 6:00 p.m. on Wednesday before the election under the provisions of § 163-227(c), in lieu of transmitting the ballots to the applicant in person or by mail, the chairman may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to the applicant's husband, wife, brother, sister, parent, or child.

§ 163-231. Voting Absentee Ballots and Transmitting Them to Chairman of County Board of Elections. (a) Procedure for voting absentee ballots: In the presence of an officer authorized to administer oaths, having an official seal, the voter shall:

1. Mark his ballots, or cause them to be marked in his presence according to his instructions.

2. Fold each ballot separately, or cause each of them to be folded in his presence.

3. Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence.

4. Make and subscribe the affidavit printed on the container-return envelope according to the provisions of § 163-229(b).

The officer administering the oath shall then complete the form on the container-return envelope and affix his seal in the place indicated. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this Section to the chairman of the county board of elections who issued the ballots.

In the case of voters who are members of the armed forces of the United States, as defined in § 163-245, the signature of any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces, as a witness to the execution of any certificate required by this or any other Section of this Article to be under oath shall have the force and effect of the jurat of an officer with a seal fully authorized to take and administer oaths in connection with absentee ballots.

(b) Transmitting executed absentee ballots to chairman of county board of elections: The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the chairman of the county board of elections who issued them as follows:

1. If the ballots were issued under the provisions of either subsection (a) or subsection (b) of § 163-227, the sealed envelope shall be transmitted by the voter in person or by mail (at the voter's expense) in sufficient time for the executed ballots to reach the chairman of the county board of elections by 12:00 noon, on the Saturday immediately preceding the State-wide general election. If such ballots are received later than that hour they shall not be accepted for voting.

2. If the ballots were issued under the provisions of subsection (c) of § 163-227, the sealed envelope may be transmitted by the voter in person, or by mail (at the voter's expense), or it may be delivered to the chairman by the voter's husband, wife, brother, sister, parent, or child, in sufficient time for the executed ballots to reach the chairman of the county board of elections by 3:00 p.m., on the day of the State-wide general election. If such ballots are received later than that hour they shall not be accepted for voting.

§ 163-232. Certified List of Approved Applications to be Transmitted to State Board of Elections and Posted; Original Applications to Accompany List. The chairman of the county board of elections shall prepare a list, in triplicate, of all applications for absentee ballots received by him

which have been approved by the county board of elections. At the end of the list he shall execute the following certificate under oath:

"State of North Carolina
County of .....

I, ..., Chairman of the ..... County Board of Elections, do hereby certify that the foregoing is a list of all applications filed with me for absentee ballots to be voted in the election on the ..... day of ....., 19....., which have been approved by the county board of elections. I further certify that I have issued ballots to no other persons than those listed therein, whose original applications are enclosed to be filed with the State Board of Elections; and I further certify that I have not delivered ballots for absentee voting to any person other than the voter himself, by mail or in person, except as provided by law in the case of approved applications received after 6:00 p.m., on Wednesday before the election.

This the ..... day of ....., 19.....

.....
(Signature of chairman of county board of elections)

Sworn to and subscribed before me this ..... day of ....., 19.....Witness my hand and official seal.

.....
(Signature of officer administering oath)

(SEAL)

.....
(Title of officer)"

Before noon on the day before a State-wide general election, the chairman of the county board of elections shall send one copy of the list required by this Section, together with the original of all applications for absentee ballots received by him, by registered mail to the Chairman of the State Board of Elections, at Raleigh, North Carolina. He shall post one copy of the list at a conspicuous place at the county courthouse door, and he shall retain the third copy for himself.

§ 163-233. Lists of Absentee Ballots Received; Distribution; Delivering Executed Absentee Ballots to Appropriate Registrars. Before noon on the day of a State-wide general election, the chairman of the county board of elections shall prepare for each precinct a list, in quadruplicate, of all executed absentee ballots which he has received from absentee voters of the particular precinct prior to noon on the Saturday immediately preceding the election, and, in the case of absentee ballots issued under the provisions of § 163-227(c), executed ballots which he has received at any time prior to making the list. The chairman shall cause two copies of the appropriate precinct list, together with the unopened container-return envelopes enclosing absentee ballots to be voted in the precinct, to be delivered to the registrar before noon on the day of the election.

If, after preparing and delivering the lists and unopened container-return envelopes as prescribed in the preceding paragraph, the chairman

should, before 3:00 p.m. on election day, receive additional executed absentee ballots issued under the provisions of § 163-227(c), he shall prepare, in quadruplicate, a supplemental list for each affected precinct. The chairman shall have two copies of the appropriate supplemental precinct list, together with the unopened container-return envelopes enclosing the ballots recorded on the supplemental list, delivered to the precinct registrar before the polls are closed on election day.

The registrar shall post one copy of the list and one copy of the supplemental list, if any, as required by § 163-154. He shall retain the other copy or copies until all challenges of absentee ballots have been heard and decided.

On election day the chairman of the county board of elections shall mail to the Chairman of the State Board of Elections, at Raleigh, North Carolina, one copy of each of the lists prepared under the provisions of this Section. He shall retain the remaining copy or copies for his own use.

§ 163-234. Absentee Ballots Deemed Voted Upon Delivery to Registrar; Opening Container-Return Envelope and Depositing Ballots; Rejected Ballots. An absentee ballot shall be deemed to be voted when delivered to the precinct registrar on the day of the election, but it shall not be deposited in a ballot box and shall not be counted except in accordance with the procedures outlined in this Section.

As soon as the polls are closed, and before they sign the poll book, the precinct officials shall examine the container-return envelopes, record in the poll book the names of absentee voters whose ballots are voted, and deposit their ballots in the proper ballot boxes as follows:

1. The precinct officials shall examine each unopened container-return envelope. If they find that the affidavit and jurat are not executed in due form, or that the voter did not sign his name to the affidavit printed on the envelope, or that the officer before whom the voter executed the affidavit did not affix his seal, the envelope shall be left unopened, and it shall be marked "Rejected."

2. If the examination required by the preceding paragraph reveals that the container-return envelope is in order, one of the judges of election shall call the name of the voter as it appears in the affidavit on the envelope. After examining the registration records, the registrar shall state whether the person bearing that name is duly registered and qualified to vote in the precinct. If the registrar finds him not to be registered, the envelope shall be left unopened, and it shall be marked "Rejected—Not Registered." If the registrar finds him to be registered and qualified, and if his registration or right to vote by absentee ballot is not challenged, the responsible judge shall enter his name in the poll book with the notation "Absentee Voter." If a challenge is entered, the precinct officials shall proceed as provided in § 163-89.

3. When the voter's name has been entered in the poll book under the provisions of the preceding paragraph, one of the judges of election shall open the container-return envelope by slitting it with a sharp instrument so as not to destroy, tear, or obliterate any part of the affidavit thereon. He shall then remove the ballots from the envelope and, without unfolding them and without examining how they are marked, he shall deposit each in the appropriate ballot box.

4. All container-return envelopes shall be filed with the county board of elections at the time of the county canvass when the precinct returns are filed. This requirement shall include those container-return envelopes from which ballots have been removed and deposited in ballot boxes, as well as those left unopened and marked "Rejected" or "Rejected—Not Registered" under the provisions of this Section and those left unopened and marked "Challenge Sustained" under the provisions of § 163-89. They shall be preserved intact by the chairman of the county board of elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any absentee ballot delivered to him.

§ 163-235. Absentee Voting Where Voting Machines Used. Persons entitled to vote by absentee ballot in precincts in which voting machines are used shall vote on paper ballots furnished them in accordance with the provisions of this Article. At voting places at which voting machines are used, container-return envelopes and absentee ballots shall be received, handled, counted, and filed with the county board of elections in accordance with the provisions of this Article for voting places at which voting machines are not used. The total absentee ballot vote for each candidate and proposition shall be added to the totals shown on the voting machines, and the combined totals shall be entered on the official returns for the precinct.

§ 163-236. Violations by Chairman of County Board of Elections. The chairman of the county board of elections shall be sole custodian of blank applications for absentee ballots, official ballots, and container-return envelopes for absentee ballots. He shall issue and deliver blank applications for absentee ballots in strict accordance with the provisions of § 163-227(d). The issuance of ballots to persons whose applications for absentee ballots have been approved by the county board of elections under the provisions of § 163-230(c) is the responsibility and duty of the chairman of the county board of elections.

It shall be the duty of the chairman of the county board of elections to keep current all records required of him by this Article and to make promptly all reports required of him by this Article.

The willful violation of the terms of this Section shall constitute a misdemeanor, and upon conviction, the offender shall be fined not less than one hundred dollars ($100.00), or imprisoned not less than 60 days, or both, in the discretion of the court.

§ 163-237. Certain Violations of Absentee Ballot Law Made Criminal Offenses. (a) False statements under oath made misdemeanor. If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this Article, he shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars ($100.00), or imprisoned for not less than 60 days, or both, in the discretion of the court.

(b) False statements not under oath made misdemeanor. If any person, for the purpose of obtaining or voting any official ballot under the provisions of this Article, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it

purports to be under oath, was not duly sworn to, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars ($100.00), or imprisoned not less than 60 days, or both, in the discretion of the court.

(c) Fraud in connection with absentee vote; forgery. Any person attempting to aid and abet fraud in connection with any absentee vote cast, or to be cast, under the provisions of this Article, shall be guilty of a misdemeanor, and, upon conviction, be fined or imprisoned, in the discretion of the court. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery, and be punished accordingly.

(d) Violations not otherwise provided for made misdemeanor. If any person shall willfully violate any of the provisions of this Article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, he shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars ($100.00), or imprisoned not less than six months, or both, in the discretion of the court.

§ 163-238. Reports of Violations to Attorney General and Solicitors. It shall be the duty of the State Board of Elections to report to the Attorney General of North Carolina, and to the solicitor of the appropriate solicitorial district, any violation of this Article, or the failure of any person charged with a duty under its provisions to comply with and perform that duty, and it shall be the duty of the solicitor to cause such a person to be prosecuted therefor.

§ 163-239. Article 21 Relating to Absentee Voting by Servicemen and Certain Civilians not Applicable. Except as otherwise provided therein, Article 21 of this chapter, relating to absentee registration and voting by servicemen and certain civilians, shall not apply to or modify the provisions of this Article.

§ 163-240 through § 163-244 reserved for future use.

Article 21.

Military Absentee Registration and Voting in Primary and General Elections.

§ 163-245. Persons in Armed Forces, Their Wives, Certain Veterans, Civilians Working with Armed Forces, and Members of Peace Corps May Register and Vote by Mail. (a) Any individual who is eligible to register and who is qualified to vote in any State-wide primary or election held under the laws of this State, and who is absent from the county of his residence in any of the capacities specified in subsection (b) of this Section, shall be entitled to register by mail and to vote by military absentee ballot in the manner provided in this Article.

(b) The provisions of this Article shall apply to the following persons:

1. Persons serving in the armed forces of the United States, including (but not limited to) the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Marine Corps Women's Reserve, the Women's Army Corps, the Merchant Marine, and members of the National Guard

and Military Reserve who on the day of a primary or general election are absent on active duty.

2. Wives of men serving in the armed forces of the United States residing outside the counties of their husbands' voting residence.

3. Disabled war veterans in United States government hospitals.

4. Civilians attached to and serving outside the United States with the armed forces of the United States.

5. Members of the Peace Corps.

§ 163-246. Provisions of Article 20 Applicable Except as Otherwise Provided; State Board of Elections to Adopt Regulations. Except as otherwise provided in this Article, registration by mail and absentee voting by individuals to whom this Article is applicable shall be governed by the provisions of Article 20 of this chapter. By way of illustration rather than limitation, the provisions of this paragraph shall apply to the form of absentee ballots, certificates, and container-return envelopes; the manner of depositing and voting military absentee ballots; the counting and certifying of results; the hearing of challenges; and the preservation of container-return envelopes in which executed military absentee ballots are transmitted.

The State Board of Elections is authorized to adopt and promulgate whatever rules and regulations (not in conflict with other provisions of this chapter) it may deem necessary to carry out the true intent and purpose of this Article.

§ 163-247. Methods of Applying for Absentee Ballots. An individual entitled to exercise the rights conferred by this Article and who is absent from the county of his residence may apply for absentee ballots in either of the ways provided in this Section.

(a) Federal post card application form: At any time prior to the State-wide primary or general election in which he seeks to vote the applicant may make and sign a written application to the Secretary of State for absentee ballots on the post card form prescribed in Public Law 712 of the 77th Congress. Upon receiving such an application, the Secretary of State shall record the applicant's name and residence address on a record maintained for that purpose and immediately transmit the application to the State Board of Elections. Upon receiving such an application from the Secretary of State, the State Board of Elections shall transmit it to the chairman of the board of elections of the county in which the applicant has his residence, together with instructions for handling the application under the provisions of this Article.

(b) Application to chairman of county board of elections: In lieu of applying on the federal post card as provided in the preceding subsection, at any time prior to the State-wide primary or general election in which he seeks to vote the applicant may make and sign a written application to the chairman of the board of elections of the county of his residence upon a form prepared and furnished him upon request by the county board of elections. This form shall require the applicant's signature and shall elicit from him:

1. A request for absentee ballots to be voted in a specified State-wide primary or general election.

2. A statement of his political party affiliation if he seeks to vote by absentee ballot in a primary election.

3. A statement of his membership in the armed forces of the United States, or his membership in one of the other categories to which this Article is made applicable in § 163-245.

4. A statement of the precinct in which he is registered to vote, or, if the applicant is not registered, a statement of his address before entering military or other qualifying service and the period of time he resided at that address.

5. A statement of the address to which the absentee ballots should be mailed.

In lieu of using a form prepared and furnished by the county board of elections, the voter may apply in an informal writing. If the written application is signed by the voter and if it contains all the information required by this subsection, it shall be regarded as sufficient to permit the chairman of the county board of elections to act upon it.

§ 163-248. Register, Ballots, Container-Return Envelopes, and Instruction Sheets. (a) Register of military absentee ballot applications and ballots issued: The State Board of Elections shall furnish the chairman of the board of elections in each county of the State with a book to be called the Register of Military Absentee Ballot Applications and Ballots Issued in which shall be recorded whatever information and official action may be required by this Article. In lieu of furnishing this register, the State Board of Elections may provide for a separate military section in the register furnished under the provisions of § 163-228 which shall be used for the same purpose.

The Register of Military Absentee Ballot Applications and Ballots Issued, whether contained in a separate book or maintained as a separate part of the register furnished under the provisions of § 163-228, shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time.

(b) Absentee ballot form: Persons entitled to vote by absentee ballot under the terms of this Article shall be furnished with regular official ballots; separate or distinctly marked absentee ballots shall not be used. The State Board of Elections and the county boards of elections shall have all necessary ballots printed and in the hands of the proper election officials not later than, in the case of a primary election, 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, the first day of September immediately prior thereto.

(c) Container-return envelope: The county board of elections shall print a sufficient number of envelopes in which persons casting military absentee ballots may transmit their marked ballots to the chairman of the county board of elections. In the case of a primary election, the container-return envelopes shall be printed and available for use not later than 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, not later than the first day of September immediately prior thereto. Each container-return envelope shall be printed in accordance with the following instructions:

1. On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which his ballots are to be voted.

2. On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

"Certificate of Absentee Voter

I, ..., do hereby certify that I am a resident and qualified voter in ..... precinct, ... County, North Carolina, and that I am [check whichever of the following statements is correct]

[ ] Serving in the armed forces of the United States
[ ] The wife of a member of the armed forces of the United States residing outside the county of my husband's residence
[ ] A disabled war veteran in a United States government hospital
[ ] A civilian attached to and serving outside the United States with the armed forces of the United States
[ ] A member of the Peace Corps

I further certify that I am affiliated with the ..... Party. [To be completed only if applicant seeks to vote in the primary of the political party to which he belongs.]

I further certify that the following is my official address: .....

.....

[Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

.....

[Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

.....

[Street number, APO, or FPO number]

.....

[City, postal zone, State, and zip code]

I further certify that I made application for absentee ballots and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instruction.

Witness my hand in the presence of ..... [Insert name and rank of witnessing officer] this ..... day of ....., 19.....

.....
(Signature of voter)

Witness:.....
(Signature of witnessing officer)

Rank or title of witnessing officer: .....

Unit to which witnessing officer is assigned: .....

Note: This certificate may be witnessed by any commissioned officer or any noncommissioned officer of the rank of sergeant in the Army, petty officer in the Navy, or equivalent rank in other branches of the armed forces of the United States."

(d) Instruction sheets: The county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters covered by the provisions of this Article are to prepare absentee ballots and return them to the chairman of the county board of elections. In the case of a primary, the instruction sheets shall be printed and available for use not later than 10 days after the time has expired for the filing of candidacy for county office, and in the case of a general election, not later than the first day of September immediately prior thereto.

§ 163-249. Consideration and Approval of Applications and Issuance of Absentee Ballots. The procedure to be followed in receiving applications for absentee ballots under this Article, passing upon their validity, and issuing absentee ballots shall be governed by the provisions of this Section.

(a) Record of applications received and ballots issued: Upon receipt of a voter's written application for absentee ballots in either of the forms permitted by § 163-247, the chairman of the county board of elections shall promptly enter in the Register of Military Absentee Ballot Applications and Ballots Issued:

1. Name of voter applying for absentee ballots.

2. Applicant's political party affiliation as stated in an application for ballots in a primary.

3. Number assigned voter's application. (Numbers assigned applications received under the provisions of this Article shall be chosen so as not to be identical with numbers assigned applications received under the provisions of Article 20.)

4. Precinct in which applicant is registered if he is already registered, or precinct in which applicant is registered by the chairman of the county board of elections under the provisions of subsections (b) and (c) of this Section.

5. Address to which ballots are to be mailed.

6. Statement of basis on which applicant asserts his qualifications for obtaining absentee ballots under the provisions of this Article.

7. Date application for ballots is received by chairman.

(b) Determination of validity of applications for absentee ballots; handling applications for persons not registered: The chairman of the county board of elections shall pass upon the validity of all applications for absentee ballots received under the provisions of this Article, and he shall not delegate this responsibility.

If the chairman finds that the applicant is a qualified voter of the county, that he is registered in the precinct stated in his application, that the assertions in his application are true, that they demonstrate that he is entitled to vote by absentee ballot under the terms of this Article, and that his application is in proper form, the chairman shall approve the application for absentee ballots.

If the chairman finds that the applicant is not registered to vote in the precinct in which he declares he is a resident, the chairman shall make a reasonable investigation as to the applicant's residence. If the chairman determines that the applicant is a resident of the precinct asserted, that he is eligible to register and vote under the Constitution and statutes of this State, and that his application is otherwise in order, the chairman

shall register him according to the procedure specified in subsection (c) of this Section and approve his application for absentee ballots.

(c) Record of chairman's decision; registration by chairman: At the time the chairman of the county board of elections makes his decision on an application for absentee ballots, he shall enter in the appropriate column in the Register of Military Absentee Ballot Applications and Ballots Issued opposite the name of the applicant a notation of whether his application was "Approved" or "Disapproved." In cases in which the chairman determines that an unregistered applicant is entitled to register, he shall also note in the appropriate column of the register the designation of the precinct in which the applicant is entitled to vote. This entry shall constitute registration and shall entitle an otherwise qualified applicant to receive absentee ballots.

(d) Delivery of absentee ballots and container-return envelope to applicant: When the chairman of the county board of elections approves an application for military absentee ballots he shall promptly issue and transmit them in accordance with the following instructions:

1. On the top margin of each ballot the applicant is entitled to vote, the chairman shall write or type the words "Absentee Ballot No. ....." and insert in the blank space the number assigned the applicant's application in the Register of Military Absentee Ballot Applications and Ballots Issued. He shall not write, type, or print any other matter upon the ballots transmitted to the absentee voter.

2. The chairman shall fold and place the ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, the absentee voter's name, his application number, and the designation of the precinct in which his ballots are to be voted. The chairman shall leave the container-return envelope holding the ballots unsealed.

3. The chairman shall then place the unsealed container-return envelope holding the ballots, together with printed instructions for voting and returning the ballots, in an envelope addressed to the applicant at the address stated in his application, seal the envelope, and mail it at the expense of the county board of elections.

§ 163-250. Voting Absentee Ballots and Transmitting Them to Chairman of County Board of Elections. (a) Procedure for voting absentee ballots: In the presence of any commissioned officer or noncommissioned officer of the rank of sergeant in the Army, petty office in the Navy, or equivalent rank in other branches of the armed forces of the United States, the voter shall:

1. Mark his ballots, or cause them to be marked in his presence according to his instructions.

2. Fold each ballot separately, or cause each of them to be folded in his presence.

3. Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence.

4. Make and subscribe the certificate printed on the container-return envelope according to the provisions of § 163-248(c).

The officer witnessing the voter's signature shall then complete the form on the container-return envelope by signing his name in the appropriate place and entering his rank or title and the designation of the unit to which he is assigned.

(b) Transmitting executed absentee ballots to chairman of county board of elections: When executed and witnessed in accordance with the provisions of subsection (a) of this Section, the sealed container-return envelope in which executed absentee ballots have been placed shall be mailed by the voter to the chairman of the county board of elections who issued them.

§ 163-251. Certified List of Approved Military Absentee Ballot Applications; Record of Ballots Received; Disposition of List; List Constitutes Registration. (a) Preparation of list: Before noon on the day of a Statewide primary or general election, the chairman of the county board of elections shall prepare for each precinct a list, in quadruplicate, of all applications for military absentee ballots which he has received, entered in the Register of Military Absentee Ballot Applications and Ballots Issued, and approved. This list shall be entitled "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued." By the name of each applicant whose executed military absentee ballots have been returned to him the chairman shall enter the notation "Ballots Returned." At the end of the list the chairman shall execute the following certificate under oath:

"State of North Carolina
County of .....

I, ..., Chairman of the ..... County Board of Elections, do hereby certify that the foregoing is a list of all applications filed with me for absentee ballots under the provisions of the Military Absentee Ballot Law to be voted in the ..... [insert either 'primary' or 'general', whichever is appropriate] election on the ..... day of ....., 19.....I further certify:

1. That I have issued military absentee ballots to no other persons than those listed therein, whose original applications are herewith filed with the State Board of Elections;

2. That I have not delivered military absentee ballots to any person other than the voter himself, by mail or in person;

3. That I have received executed ballots from those absentee voters whose names are marked on this list with the notation 'Ballots Returned', whose unopened container-return envelopes have been delivered to the appropriate precinct registrars for voting;

4. That this list constitutes the only precinct registration of military absentee voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the ..... day of ....., 19.....

.....
(Signature of chairman of county board of elections)

Sworn to and subscribed before me this ..... day of ....., 19.....

Witness my hand and official seal.

.....

(Signature of officer administering oath)

(SEAL)

.....

(Title of officer)"

(b) Distribution of list: Before noon on the day of the primary or general election in which the military absentee ballots are to be cast, the chairman of the county board of elections shall send one copy of the list required by this Section, together with the original of all applications for military absentee ballots received by him, by registered mail to the Chairman of the State Board of Elections at Raleigh, North Carolina. Also before noon he shall see that two copies of the appropriate precinct list, together with the unopened container-return envelopes enclosing military absentee ballots to be voted in the precinct, are delivered to the registrar at the voting place. The chairman shall retain one copy for himself.

If, after preparing and delivering the lists, original applications, and unopened container-return envelopes as prescribed in the preceding paragraph, the chairman should, before 3:00 p.m. on primary or election day, receive additional executed military absentee ballots, he shall prepare, in quadruplicate, a supplemental list for each affected precinct. The chairman shall immediately send one copy of the supplemental list required by this Section, together with the original of all applications for military absentee ballots entered thereon, by registered mail to the Chairman of the State Board of Elections, at Raleigh, North Carolina. He shall see that two copies of the appropriate supplemental precinct list, together with the unopened container-return envelopes enclosing the ballots recorded on the supplemental list, are delivered to the precinct registrar before the polls are closed on primary or election day. He shall retain one copy of each supplemental list for himself.

The registrar shall post one copy of the list and one copy of the supplemental list, if any, as required by § 163-154. He shall retain the other copy or copies until all challenges of military absentee ballots have been heard and decided. The precinct posting of this list shall be sufficient to validate the ballots of absentee voters listed thereon when their ballots are in all other respects regular.

(c) List constitutes registration: The "List of Applicants for Military Absentee Ballots to Whom Ballots Have Been Issued" prescribed by this Section, when delivered to the registrars of the various precincts, shall constitute the only precinct registration of the military absentee voters listed thereon whose names are not already entered in the registration records of the appropriate precinct. Registrars shall not add the names of persons listed on the military absentee list to the regular registration books of their precincts.

§ 163-252. Unlawful Absentee Voting in Primary Made Misdemeanor. Any person not covered by the provisions of § 163-245 who shall vote or

attempt to vote by absentee ballot in any primary shall be guilty of a misdemeanor and punished by a fine of not more than two hundred dollars ($200.00) or imprisoned for not more than six months, or both, in the discretion of the court.

§ 163-253. Article Inapplicable to Persons After Change of Status; Re-registration Required. Upon discharge from the armed forces of the United States or termination of any other status qualifying him to register and vote by absentee ballot under the provisions of this Article, the voter shall not be entitled to vote by military absentee ballot, and if he was registered under the provisions of this Article his registration shall become void and he shall be required to register under the provisions of Article 7 before being entitled to vote in any primary or election.

§ 163-254 through § 163-258 reserved for future use.

SUBCHAPTER VIII
CRIMINAL OFFENSES

Article 22.
Corrupt Practices and Other Offenses Against the Elective Franchise.

§ 163-259. Definitions. When used in this Article:

1. The term "campaign committee" includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any primary, general or special election;

2. The term "candidate" means an individual whose name is presented for any office to be voted upon any ballot at any primary, general or special election;

3. The term "contribution" means any gift, payment, subscription, loan, advance, deposit of money, or anything of value, and includes any contract, promise or agreement to give, subscribe for, pay, loan, advance or deposit any money or other thing of value to or for the benefit of any candidate at any primary, general or special election, and whether or not said contract, promise or agreement is legally enforceable;

4. The term "expenditure" means a payment, distribution, loan, advance, deposit or gift of money or anything else of value whatsoever, and includes a contract, promise or agreement to pay, distribute, give, loan, advance, or deposit any money or anything of value whatsover, and whether or not such contract, promise, or agreement is legally enforceable;

5. The term "person" includes an individual, partnership, committee, association, corporation or any other organization or group of persons.

§ 163-260. Detailed Accounts to be Kept by Candidates and Others. It shall be the duty of every candidate and the chairman and treasurer of any and every campaign committee to keep a detailed and exact account of:

1. All contributions made to or for such candidate or committee;

2. The name and address of every person making any such contribution, and the date thereof;

3. All expenditures made by or on behalf of such candidate or committee;

4. The name and address of every person to whom any such expenditure is made, and the date thereof.

§ 163-261. Detailed Accounting to Candidates of Persons Receiving Contributions. Every person who receives a contribution for a candidate or for a campaign committee in any primary, general or special election shall render such candidate or campaign committee, within five days after receipt of such contribution, a detailed account thereof, including the name and address of the person making such contribution.

§ 163-262. Detailed Accounting of Persons Making Expenditures. Every person who makes any expenditure in behalf of any candidate or campaign committee in any primary, general or special election shall render to such candidate or campaign committee, within five days after making such expenditure, a detailed account thereof, including the name and address of the person to whom such expenditure was made.

§ 163-263. Statements Under Oath of Preprimary Expenses of Candidates; Report After Primary. It shall be the duty of every person who shall be a candidate for nomination in any primary for any federal, State or district office, or for the State Senate in a district composed of more than one county, except where there shall be agreement for rotation as provided in § 163-116, to file, under oath, 10 days before such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone for him, and of all contributions made to him, directly or indirectly, and also to file, under oath, within 20 days after such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by anyone else for him, and also of all contributions made to him, directly or indirectly, by any person, with detailed account of such contributions and expenditures as set out in § 163-264. And it shall be the duty of every person who shall be a candidate for nomination for the State Senate, except those to whom the preceding sentence applies, for the House of Representatives, and for any county office, to file a like statement with the Clerk of the Superior Court of the county of his residence at the times hereinbefore prescribed for filing such statements by candidates for federal, State and district offices as set out in the preceding sentence: Provided, however, that candidates for the House of Representatives in multi-county representative districts shall file copies of the said statement with the Clerk of Superior Court of each county in the representative district.

It shall be the duty of the chairman of the county board of elections to send a written notice to each candidate in a primary election who filed a notice of candidacy with said chairman, and who had one or more candidates to run against the candidate in the primary, of this requirement to file his or her primary campaign statement of expenses with the Clerk of the Superior Court both before and after the primary. Such notice shall not be required where an unopposed candidate did not have to run in the primary and was nominated without party opposition.

§ 163-264. Contents of Such Statements. The statement of contributions and expenditures as required by the preceding Sections of this Article shall be itemized as follows:

1. The name and address of each person who has made a contribution to or for such candidate or to or for his campaign committee within the calendar year, together with the amount and date of such contribution;

2. The total sum of all contributions made to or for such candidate or to or for his campaign committee during the calendar year;

3. The name and address of each person to whom, during the calendar year, an expenditure has been made by or in behalf of such candidate or by or in behalf of his campaign committee, and the amount, date, and purpose of such expenditure;

4. The name and address of each person by whom an expenditure has been made during the calendar year in behalf of such candidate or his campaign committee and reported to such candidate or campaign committee, and the amount, date, and purpose of such expenditure;

5. The total sum of all expenditures made during the calendar year in behalf of such candidate or his campaign committee by any person and reported to such candidate or his campaign committee, and the amount, date, and purpose of such expenditure;

6. The total sum of all expenditures made by such candidate or his campaign committee, or any person in his behalf during the calendar year.

§ 163-265. Statements Required of Campaign Committees Covering More Than One County; Verification of Statements Required. A like statement as that required in the preceding Section shall be filed by any and all campaign committees as hereinbefore defined with the Secretary of State not more than 15 days nor less than 10 days before any primary, general or special election, and not more than 20 days after any such primary, general or special election, if said campaign committee is making expenditures in more than one county; and if such campaign committee is making expenditures in only one county, a like or similar report so itemized shall be made within the same periods to the Clerk of the Superior Court of such county.

All of the statements or reports of contributions or expenditures as in this Article required of any candidate or campaign committee must be verified by the oath or affirmation of the person filing such statement or report, taken before any officer authorized to administer oaths.

§ 163-266. Failure to Report Contributions or Expenditures Made Misdemeanor. (a) It shall be unlawful for any person to make any contribution or expenditure to aid, or in behalf of any candidate or campaign committee, in any primary, general or special election, unless the same be reported immediately to such candidate or campaign committee, to the end that it may be included by him or it in the reports required of him by law. Any person violating this Section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

(b) It shall be unlawful for any candidate or any chairman or treasurer of a campaign committee to fail to make under oath the report or reports required of him or it by §§ 163-263 to 163-265, or for any campaign com-

mittee to fail to furnish to a candidate a duplicate copy of the report to be made by it or its chairman or treasurer. Any person violating this Section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

§ 163-267. Secretary of State to Report Failure to File Reports. It shall be the duty of the Secretary of State, after the time has expired for the filing of statements of campaign contributions and expenditures with the Secretary of State by candidates in a primary election as is provided in §§ 163-263 to 163-265, to immediately thereafter report to the Attorney General of North Carolina the names and addresses of all candidates for federal, State, or district offices who have failed to file such statement in compliance with the provisions of said Sections. Upon receipt of said report from the Secretary of State, it shall be the duty of the Attorney General, in accordance with the provisions of § 163-268, to notify the proper prosecuting officer who shall prosecute any person violating the provisions of the preceding Sections of this Article.

§ 163-268. Secretary of State and Superior Court Clerks to Request Reports; Attorney General and Solicitors to Prosecute. It shall be the duty of the Secretary of State and the several clerks of the Superior Court to call upon the candidates and chairmen and treasurers of campaign committees for the reports required to be made by §§ 163-263 to 163-265. If any candidate or chairman or treasurer of a campaign committee shall fail or neglect to make to the Secretary of State the reports required by said Sections, then the Secretary of State shall bring such failure to the attention of the Attorney General, whose duty it shall then be to initiate a prosecution against such candidate or chairman or treasurer of such campaign committee for such violation of this Article. If the Attorney General shall be a candidate in any such primary or election, such duty as herein required to be performed by him with respect to any contest in which he participates shall be performed by the solicitor of the solicitorial district of which Wake County is a part. If a candidate or the chairman or treasurer of a campaign committee fails to make the report to the Clerk of the Superior Court as required by said Sections, then said Clerk of the Superior Court shall bring such failure to the attention of the solicitor of the solicitorial district in which such county is a part, and said solicitor shall institute a prosecution for violation of said Sections.

§ 163-269. Violations by Corporations. It shall be unlawful for any corporation doing business in this State, either under domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this Section shall, in addition to being guilty of a misdemeanor as hereinafter set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof. Any person violating this Section shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

§ 163-270. Using Funds of Insurance Companies for Political Purposes. No insurance company or association, including fraternal beneficiary associations, doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint-stock company, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. An officer, director, stockholder, attorney or agent for any corporation or association which violates any of the provisions of this Section, who participates in, aids, abets, advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this Section, shall be guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars ($1,000.00).

Any officer aiding or abetting in any contribution made in violation of this Section shall be liable to the company or association for the amount so contributed. The Insurance Commissioner may revoke the license of any company violating this Section. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this Section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon criminal investigation or proceeding.

§ 163-271. Intimidation of Voters by Officers Made Misdemeanor. It shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate

of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which such subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. Any person violating this Section shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court.

§ 163-272. Disposing of Liquor at or Near Voting Places. If any person shall give away or shall sell any intoxicating liquor, except for medical purposes and upon the prescription of a practicing physician, at any place within five miles of the voting place, at any time within 12 hours next preceding or succeeding any public election, whether general, local, or municipal, or during the holding thereof, he shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00).

§ 163-273. Offenses of Voters; Interference with Voters; Penalty. (a) Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this Section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

1. For a voter, except as otherwise provided in this chapter, to allow his ballot to be seen by any person.

2. For a voter to take or remove, or attempt to take or remove, any ballot from the voting enclosure.

3. For any person to interfere with, or attempt to interfere with, any voter when inside the voting enclosure.

4. For any person to interfere with, or attempt to interfere with, any voter when marking his ballots.

5. For any voter to remain longer than the specified time allowed by this chapter in a voting booth, after being notified that his time has expired.

6. For any person to endeavor to induce any voter, while within the voting enclosure, before depositing his ballots, to show how he marks or has marked his ballots.

7. For any person to aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the voting enclosure, in marking his ballots.

(b) Election officers shall cause any person committing any of the offenses set forth in subsection (a) of this Section to be arrested and shall cause charges to be preferred against the person so offending in a court of competent jurisdiction.

§ 163-274. Certain Acts Declared Misdemeanors. Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this Section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

1. For any person to fail, as an officer or as a judge or registrar of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is his duty under the law

to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;

2. For any person to continue or attempt to act as a judge or registrar of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;

3. For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the peformance of any duty imposed by law upon any election officer or member of any board of elections;

4. For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any registrar or judge of election in the performance of his duties as imposed by law;

5. For any person to bet or wager any money or other thing of value on any election;

6. For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which he may have failed to cast;

7. For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;

8. For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

9. For any person to give or promise, in return for political support or influence, any political appointment or support for political office;

10. For any chairman of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;

11. For any Clerk of the Superior Court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement in a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;

12. For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to him is such as he desires.

§ 163-275. Certain Acts Declared Felonies. Any person who shall, in connection with any primary, general or special election held in this State,

do any of the acts or things declared in this Section to be unlawful, shall be guilty of a felony and upon conviction shall be imprisoned in the State's prison not less than four months or fined not less than one thousand dollars ($1,000.00), or both, in the discretion of the court. It shall be unlawful:

1. For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;

2. For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;

3. For any person who is an election officer, a member of an election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns, or knowingly to make or cause to be made any false statement on any ballot, or to do any fraudulent act, or knowingly and fraudulently omit to do any act or make any report legally required of such person;

4. For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;

5. For any person convicted of a crime which excludes him from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law;

6. For any person to take corruptly the oath prescribed for voters, and the person so offending shall be guilty of perjury;

7. For any person with intent to commit a fraud to register or vote at more than one precinct or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election;

8. For any registrar or any clerk or copyist to make any entry or copy with intent to commit a fraud;

9. For any election official or other officer or person to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure, alteration, or conceal or destroy any election ballot, book, record, return or process with intent to commit a fraud;

10. For any person to assault any registrar, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;

11. For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any registrar, judge of election or other election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;

12. For any registrar, judge of election, member of a board of elections, assistant, marker, or other election official, directly or indirectly, to seek,

receive or accept money or the promise of money, the promise of office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services;

13. For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of voting.

§ 163-276. Convicted Officials; Removal From Office. Any public official who shall be convicted of violating any provision of Articles 13 or 22 of this chapter, in addition to the punishment provided by law, shall be removed from office by the judge presiding, and, if the conviction is for a felony, shall be disqualified from voting until his citizenship is restored as provided by law, and if the conviction is for a misdemeanor, he shall be disqualified from voting for a period of two years.

§ 163-277. Compelling Self-Incriminating Testimony; Person so Testifying Excused from Prosecution. No person shall be excused from attending or testifying or producing any books, papers or other documents before any court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of this Article, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him, but such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of this Article; but such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any acts of his own shall be immune from prosecution on account thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.

§ 163-278. Duty of Attorney General and Solicitors to Prosecute Violations of Article. It shall be the duty of the Attorney General, the solicitors of the several solicitorial districts, and all prosecuting attorneys of courts inferior to the Superior Court, to make diligent inquiry and investigation with respect to any violations of this Article, and said officers are authorized and empowered to subpoena and compel the attendance of any person or persons before them for the purpose of making such inquiry and investigation.

Sec. 2. All laws and clauses of laws, except local and special Acts relating to primaries and elections, in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 574 **CHAPTER 776**

AN ACT TO CLARIFY CHAPTER 1157 OF THE SESSION LAWS OF 1965 RELATING TO PAYMENT IN INSTALLMENTS OF COMPENSATION OF MEMBERS AND PRESIDING OFFICERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 1157 of the Session Laws of 1965 is hereby amended by striking out said Section 1½ and by inserting in lieu thereof the following:

"Sec. 1½. The provisions of this Act as to installment payments as to the compensation paid shall apply to the Sergeant of Arms of both the House and Senate, the Reading Clerks of both the House and Senate and the Principal Clerks of both the House and Senate. The provisions of this Act shall apply not only to the 1967 Session of the General Assembly but shall apply to all subsequent Sessions of the General Assembly."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 582 **CHAPTER 777**

AN ACT TO AMEND G. S. 147-45 SO AS TO PROVIDE A COPY OF THE SESSION LAWS, A COPY OF THE HOUSE AND SENATE JOURNALS, AND A COPY OF THE SUPREME COURT REPORTS TO THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE AND TO ATLANTIC CHRISTIAN COLLEGE, AND TO CORRECT THE NAMES OF CERTAIN SCHOOLS IN SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended by adding in the table contained in said Section, under the heading "Schools and Hospitals:", and immediately following the line beginning with the words "Catawba College", a new line to read as follows:

"Atlantic Christian College ..... 1 1 1".

Sec. 2. G. S. 147-45 is further amended by adding in the table contained in said Section, under the heading "Schools and Hospitals", and immediately following the line beginning with the words "University of North Carolina at Chapel Hill", a new line to read as follows:

"University of North Carolina at Charlotte ..... 3 1 1".

Sec. 3. G. S. 147-45 is further amended by striking the words "North Carolina State College of Agriculture and Engineering of the University of North Carolina", and substituting in lieu thereof "North Carolina State University at Raleigh".

Sec. 4. G. S. 147-45 is further amended by striking the words "for Negroes" appearing under the heading "Schools and Hospitals", and substituting in lieu thereof the words "at Durham".

Sec. 5. G. S. 147-45 is further amended by striking the words "Woman's College of the University of North Carolina" appearing under the heading "Schools and Hospitals" and substituting in lieu thereof the words "University of North Carolina at Greensboro".

Sec. 6. G. S. 147-45 is further amended by striking the words "East Carolina Teachers College", appearing under the heading "Schools and Hospitals" and substituting in lieu thereof the words "East Carolina College".

Sec. 6.1. G. S. 147-45 is hereby amended by adding in the table contained in said Section, under the heading "Schools and Hospitals", and immediately following the line beginning with the words "Guilford College", new lines to read as follows:

"Wingate College	1	1
Pfeiffer College	1	1
Barbara Scotia College	1	1".

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 772 CHAPTER 778

AN ACT TO AMEND CHAPTER 250, SESSION LAWS OF 1955, SO AS TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 250, Session Laws of 1955, is hereby amended by deleting the following words in line three: "There shall be one Commissioner from District One", and inserting in lieu thereof "There shall be two Commissioners from District One".

Sec. 2. The additional Commissioner from District One, as provided for in this Act, shall be nominated and elected in the primary and general election in 1968, and quadrennially thereafter, for a term of four years and shall take office on the first Monday in December in 1968.

Sec. 3. In order to provide for the additional commissioner prior to the 1968 general election, the Board of County Commissioners of Pitt County shall meet not later than July 1, 1967, after the passage of this Act and shall elect a person residing in District One to serve as the additional Commissioner in District One until the general election of 1968.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 851 **CHAPTER 779**

AN ACT TO CONSOLIDATE THE LEE COUNTY SCHOOL ADMINISTRATIVE UNIT AND THE SANFORD CITY SCHOOL ADMINISTRATIVE UNIT; TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE CONSOLIDATED BOARD OF EDUCATION; TO SUBMIT THE QUESTION OF CONSOLIDATION WITH A COUNTY-WIDE SUPPLEMENTARY TAX TO A VOTE OF THE ELECTORS OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "City Board" shall mean the Sanford City Board of Education.

(b) The term "County Board" shall mean the Lee County Board of Education.

(c) The term "City Administrative Unit" shall mean the geographical territory over which the City Board exercises authority in operating the public schools of said Unit.

(d) The term "County Administrative Unit" shall mean the geographical territory over which the Lee County Board of Education exercises authority in operating the public schools of said Unit.

(e) The term "Consolidated Board" shall mean the Lee County Consolidated Board of Education, the governing authority, or the administrative unit having charge of, operating and administering all of the public schools within Lee County after the merger or consolidation of the County Board and County Administrative Unit and the City Board and City Administrative Unit as provided in this Act.

(f) The term "County Commissioners" shall mean the Board of County Commissioners of Lee County.

Sec. 2. The County Commissioners may call an election in Lee County within seven months from and after the effective date of this Act for the purpose of submitting to the electors of Lee County the question of whether or not the Lee County Board of Education and the Sanford City Board of Education shall be merged or consolidated into one board of education or school administrative unit to the end that all of the public schools of Lee County shall be administered or operated by one governing authority or administrative unit, and in conjunction with said merger the question of whether or not there shall be authorized and provided a supplemental school tax not to exceed thirty cents (30¢) on the one hundred dollars ($100.00) valuation of property in Lee County, which shall be in lieu of the existing school tax for the City Administrative Unit. The ballot to be printed and used in said referendum or election shall be substantially as follows:

VOTE FOR ONE:

☐ For a merger or consolidation of the Lee County Board of Education and the Sanford City Board of Education, and For Local Tax.

☐ Against the merger or consolidation of the Lee County Board of Education and the Sanford City Board of Education, and Against Local Tax.

Voting machines may be used for such election. The said election shall be held and conducted under the laws and regulations contained in G. S. 115-122 and any other pertinent provisions of Article 14 of Chapter 115 of the General Statutes, as revised and amended. If these provisions do not deal with or cover all necessary procedure, then the laws and regulations governing the election of county officers as provided in Chapter 163 of the General Statutes, as revised and amended, shall be in force and effect. The County Commissioners are hereby authorized to request the Lee County Board of Elections to hold and conduct said election, and when such request is made it shall be the duty of the said Board of Elections to hold and conduct such election according to the provisions of law heretofore referred to. The County Commissioners are hereby authorized to appropriate and make available a sufficient sum of money to defray the expenses of said election.

Sec. 3. If a majority of the electors voting in said election approve said merger or consolidation of the County Board and the City Board, then such merger or consolidation shall go into effect as hereinafter provided, and said supplemental tax shall be levied and collected beginning with the fiscal year commencing July first next following such election. If a majority of the electors voting in such election do not approve said merger or consolidation and the supplementary tax, then the same shall not go into effect and all provisions of this Act relating to such merger or consolidation shall be null and void, the status of the City Board and the County Board shall be and remain the same as existed prior to the passage of this Act, and the supplementary tax heretofore voted for the City Administrative Unit shall continue in full force and effect.

Sec. 4. If a majority of those voting in the election heretofore provided and referred to shall approve a merger or consolidation of the County Board and City Board then, and in that event, the said County Board and City Board shall nevertheless continue to administer, operate and control their respective administrative units with the same powers and duties as before until the first Monday in April, 1969, when the County Board and City Board shall be replaced by the Consolidated Board as hereinafter provided. The county superintendent and the city superintendent shall continue to administer and supervise their respective administrative units until June 30, 1969.

Sec. 5. If a majority of those voting in the election heretofore provided and referred to shall approve a merger or consolidation of the County Board and City Board, then the terms of office of the superintendents of schools heretofore employed by the City Board and the County Board, respectively, shall terminate on June 30, 1969. On the first Monday in April, 1969, the superintendent of schools shall be elected by the Consolidated Board and shall serve his term of office beginning July 1, 1969, until June 30, 1971. Thereafter, the election of the superintendent of schools for Lee County shall be in the manner provided by the general school law.

Sec. 6. If the electors of Lee County approve the merger or consolidation of the County Board and City Board as herein provided, then there is hereby constituted and established a Consolidated Board which

shall be known and designated as: "The Lee County Consolidated Board of Education," and at the time of the primary for the election of county officers for Lee County to be held in the year 1968, there shall be elected seven persons from the county at large. Each candidate for membership on the Consolidated Board must be a resident and elector of Lee County. The names of the candidates shall be placed on a separate ballot bearing no party designation and no party affiliation need be indicated at the time of filing. Candidates shall file by 12:00 noon on or before the Friday preceding the sixth Saturday before the date on which the election is to be held and each candidate shall pay a filing fee of ten dollars ($10.00) and certify in writing that he is a bona fide resident and elector of Lee County. The seven candidates receiving the highest number of votes shall be declared elected. Voting machines may be used for such elections. The two candidates elected by the highest number of votes shall serve a term of six years. The two candidates elected by the next highest number of votes shall serve a term of four years. The remaining three candidates elected shall serve a term of two years. Thereafter, all successors in office of such members shall serve for terms of six years. At the time of the election of county officers in 1970, and biennially thereafter, the same number of persons shall be elected as the number of members whose terms shall expire in that year. All vacancies in the office of the members of the Consolidated Board shall be filled by the remaining members of the Consolidated Board. An appointment to fill a vacancy on the Consolidated Board shall be only for that portion of the unexpired term between the time of appointment and the next school board election and at such next school board election, the remaining portion of the unexpired term shall be filled by election. Candidates for the unexpired term must signify and designate they are filing for such term. The members of the Consolidated Board shall be inducted into and take the oath of office on the first Monday in April, 1969, unless prevented by sickness or other cause over which he has no control, and then as soon as reasonably possible. All members of the Consolidated Board shall hold office until their successors are duly elected and qualified. The election of said members of the Consolidated Board shall be held, conducted and supervised by the Lee County Board of Elections and, except as herein provided, the laws and regulations for the election of county officers shall be in full force and effect.

Sec. 7. The Consolidated Board shall exercise all of the powers, authority and duties as now exercised and performed by the existing County and City Boards, as provided by Chapter 115 of the General Statutes, as revised and amended, and as provided by any Session Law, Public-Local or Private Act of the General Assembly of North Carolina pertaining to the Lee County Board of Education.

Sec. 8. On or after the first Monday of April, 1969, the title of all property of any nature whatsoever now owned by the County Board and the City Board shall, as soon as practical, be vested in and transferred to the Consolidated Board. The Consolidated Board shall own and have control of all structures, buildings, facilities, residuum of title, land, papers, documents, books, records, accounts, letters, claims, demands, all unexpended balances of funds, surplus funds, proceeds of State School

Bonds, and all moneys whatsoever which heretofore belonged to either board and the same shall be and is hereby transferred to the Consolidated Board. The City Board and the County Board, and their members irrespective of any termination of office or authority set forth in the preceding Sections of this Act, shall have and retain the needful and necessary power and authority to execute, and shall execute, any and all deeds, writings, instruments and documents necessary to vest title to any and all property of any kind or description whatsoever in which either board might have an interest of any kind, in the Consolidated Board. All claims and demands, liabilities and obligations of the City Board and the County Board whatsoever shall become and be the claims, demands, liabilities and obligations of the Consolidated Board and shall be enforced for as well as against the Consolidated Board.

Sec. 9. The members of the Consolidated Board shall each receive the sum of ten dollars ($10.00) a meeting as compensation for services and mileage. The Consolidated Board shall hold at least one meeting each month but may hold as many meetings as are necessary.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 884 CHAPTER 780

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF HENDERSON AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. Incorporation; Powers Generally. The inhabitants of the city shall be, and continue as they have been, a body politic and corporate, and henceforth the corporation shall continue to bear the name and style of the "City of Henderson" and under such name and style is hereby vested with all the powers and privileges given to municipalities by the general law and by this Act, and those other powers which are inherent to municipalities, and under such name and style the city is hereby vested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be devised, bequeathed, conveyed to, or otherwise acquired by it, and may from time to time, sell, dispose of and invest the same, as shall be deemed advisable by the proper authorities of the corporation and as shall be in conformity with the provisions of this Charter, and under such name and style shall have the power to contract or be contracted with and to sue and be sued.

Sec. 2. City Limits. The corporate boundaries of the city shall be set out by metes and bounds description and an official map showing such corporate boundaries and entitled "Map of the City of Henderson, North Carolina" shall be prepared and kept up to date, which map shall be available in the office of the city manager or such other office as may be designated by city council.

Sec. 3. Ward Boundaries. The city shall be divided into four wards, bounded as follows:

Ward No. 1. Beginning at a point where Garnett Street intersects the northern city limits; run thence along the center of Garnett Street in a southwesterly direction to the center of Granite Street; thence along the center of Granite Street in a northwesterly direction to Parham Street; thence along the center of Parham Street in a westerly direction to the center of High Street; thence along High Street and High Street, if extended, to the center of Western Boulevard; thence along the center of Western Boulevard in a westerly direction to the city limits; thence along the city limits in a northerly direction and as it varies to the place of beginning.

Ward No. 2. Beginning at the center of Garnett Street at its intersection with Granite Street; thence in a southwesterly direction along the center of Garnett Street to Dabney Drive; thence along the center of Dabney Drive to the center of the northwestern section of Deer Crossing Court; thence along the center of Deer Crossing Court and Garnett Street to the center of Willowood Drive; thence along the center of Willowood Drive in a southerly direction to the center of the Oxford Road; thence along the center of the Oxford Road to the city limits; thence along the city limits of Henderson in a generally northern direction to the center of Western Boulevard; thence along the center of Western Boulevard to a point where the center of High Street, if extended, would intersect Western Boulevard; thence along High Street in a southerly direction to the center of Parham Street; thence along the center of Parham Street to the center of Granite Street; thence along the center of Granite Street to the place of beginning.

Ward No. 3. Beginning at the center of the Oxford Road where it intersects with the city limits on the southwest side of Henderson; run thence along the city limits as it varies in a generally eastern direction to the center of Montgomery Street, if extended; thence along the center of Montgomery Street, if extended, to Swain Street; thence along the center of Montgomery Street to the center of County Home Road; thence along the center of County Home Road to Winder Street; thence along the center of Winder Street to the center of Garnett Street in a generally northwesterly direction; thence along the center of Garnett Street in a southwesterly direction to the center of Dabney Drive, thence along the center of Dabney Drive to the western section of Deer Crossing Court; thence along the center of Deer Crossing Court and Garnett Street to the center of Willowood Drive; thence along the center of Willowood Drive in a southeasterly direction to the center of the Oxford Road; thence along the center of the Oxford Road in a southwesterly direction to the place of beginning.

Ward No. 4. Beginning at the center of Garnett Street where it intersects the city limits; run thence in a southerly direction along the center of Garnett Street to Winder Street; thence along Winder Street in a generally southeasterly direction to the County Home Road; thence along the center of the County Home Road to Montgomery Street; thence along the center of Montgomery Street in an easterly direction to Swain Street;

thence along the center of Montgomery Street, if extended, in a southeasterly direction to the city limits; thence along the city limits to the place of beginning.

Sec. 4. Elective Officers—Enumerated; Conduct of Elections; Terms of Office, Vacancies. The elective officers of the city shall consist of a mayor, who shall be elected on the first Tuesday in May and biennially thereafter, by the qualified voters of the whole city, and two aldermen from each ward, whose term of office shall be two years, one to be elected from each ward on the first Tuesday in May of each year by the qualified voters of the whole city. At the election to be held on the first Tuesday in may, 1967, one alderman shall be elected from each ward for a term of two years to fill the office of the aldermen elected to office in 1965, and the aldermen elected in 1966 shall hold over in office until the election of 1968. Except as otherwise herein provided, such elections shall be in conformity with the general law of the State governing municipal elections; and the term of office of such mayor and aldermen shall commence at 4:00 o'clock in the afternoon on the first Monday in June following their election. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within 60 days after his election; shall die, resign, remove from the city, absent himself without just cause continuously for 60 days from the city; is convicted or submits to the charge of a felony, is judicially declared a lunatic, or is removed for cause.

Sec. 5. Same—Majority Vote Required for Election; Effect of Failure to Get Majority Vote. Except as otherwise provided, in all city elections, the candidate for each office receiving a majority of all votes cast for such office shall be declared elected. In the event no candidate for any particular office shall receive a majority of the votes cast for such office, the candidate receiving the second highest number of votes cast for such office shall be entitled to require that a second election for such office be held between the two candidates receiving the highest numbers of the votes cast for such office. If the second high candidate desires a second election for such office, he shall file, in writing with the city clerk not later than 12:00 noon on the first Friday following the regular city election, a notice requesting that a second election be held.

If the city clerk shall receive a notice requesting a second election for any office, and the candidate filing such notice is entitled to a second election under the provisions of this Section, then the city clerk shall call such election to be held on the third Tuesday in May, and shall cause notice of such second election to be published at least once in a newspaper having general circulation in the city.

In all second elections held under authority of this Section, the registration books used for the regular city election shall be used, and no new or additional registration shall be necessary; and, the election officials who conducted the regular city election shall conduct any second election, unless otherwise provided by action of the city council.

In the event a candidate for any office is entitled, under the provisions of this Section to request a second election, and does not file the required notice in proper time as herein provided, then the candidate who received the highest number of votes cast for such office in the regular city election shall be declared elected.

Sec. 6. Same—Filing Requirements of Candidates; Printing of Ballots, etc.; Write-in Privilege. Each candidate for election to the office of mayor or alderman, or to any other elective office of the city, shall file with the city clerk not later than 5:00 p.m. on the third Friday prior to the city election held on the first Tuesday in May of each year, written notice of his intention to become a candidate. The city clerk shall prepare and cause to be printed the official ballot of the city election containing all the names of those candidates who have filed with him as herein provided. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the city clerk and no other ballots, other than those provided herein shall be used or voted in the election. Nothing in this Charter shall prevent any elector from writing or otherwise inserting the name on the official ballot of a person for whom he wishes to vote.

Sec. 7. Council-Manager Form of Government Established. The government of the city shall be the council-manager form of government and the general control of all the city's affairs shall be vested in a city council, which shall be elected as set forth in this Charter, and shall exercise their power in conformity to the provisions of this Charter and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Charter with respect thereto.

Sec. 8. City Manager—Appointment; Qualifications; Term of Office; Compensation. The city council shall appoint a city manager, who shall be the administrative head of the city government, and the city manager shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. The city manager shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

Sec. 9. Same—Duties. The city manager shall:

(a) Be the chief administrative officer of the city.

(b) See that within the city the laws of the State and the ordinances, resolutions and regulations of the city council are faithfully executed.

(c) Attend all meetings of the city council, and recommend for adoption such measures as he shall deem expedient.

(d) Make reports to the city council from time to time upon the affairs of the city, keep the city council fully advised of the city's financial condition, and its future financial needs.

(e) Appoint and remove all city employees other than those elected by the city council whose duties are set forth by this Charter except that the appointment or removal of department heads shall be with the approval of the city council.

(f) The city manager shall have authority to require reports from the heads of the various departments as to any matter pertaining to said department or any person or persons in said department. By consent of the city council he may employ experts to examine the affairs of any department of the city, when he deems it necessary; and in all cases of investigation of any department of charges against any officers or em-

ployees of the city, he shall have the power to administer oaths, subpoena and compel the attendance of witnesses and production of books and papers.

(g) The city manager shall, from time to time, give to the city council information about the condition of the city affairs and recommendations for consideration of such measures as he deems best for the city.

(h) The city manager shall, whenever he deems it necessary, require the heads of the several departments of the city to meet with him at a time and place designated for consultation and advice upon the affairs of the city.

(i) All orders from the city council to the employees of the city shall be sent through the city manager, who shall in turn give such order to the head of the department affected. And no alderman shall publicly or privately give any orders to any employee of the city.

(j) The city manager may recommend the removal of the head of any department to the city council by setting forth his reasons therefor in writing to the city council. A copy of such request for removal and the reasons therefor shall be given to the head of the department whose removal is sought as soon as the same is filed with the city clerk. However, the removal shall not become effective until a hearing has been held before the city council on the charges and until the removal of the head of the department has been approved by at least a majority vote of the city council. The head of the department whose removal is sought shall be entitled to be heard and may be represented by counsel. The action of the city council in such matter shall be final.

Sec. 10. City Council—Power Generally; Organization; Mayor Pro Tempore; Oath of Office. All legislative powers of the city shall be vested in the city council and mayor. At the meeting held on the first Monday in June, or as soon thereafter as is practicable, the city council shall elect from its members a mayor pro tempore who shall hold his office during the pleasure of the city council.

The organization of the city council shall take place as provided in this Section notwithstanding the absence, death or refusal of one or more members to serve; provided, that at least a majority of the persons entitled to be members of the city council are present and take the prescribed oath of office. Any number entitled to take such oath who were not present at the time fixed therefor may take the oath at any time. The council shall be judge of the election and qualification of its members.

Sec. 11. Duty to Elect Certain City Officers, etc. The city council shall also elect at the meeting held pursuant to Section 10, or as soon thereafter as is practicable, a city clerk, a city collector of revenue, a city treasurer, and a city attorney, whose terms of office shall be provided for by ordinance, who shall be subject to such regulations and receive such compensation as the city council may determine, and shall hold their respective offices during the pleasure of the city council. The city council shall have power to appoint or remove department heads in conformity with Section 9 (j).

Sec. 12. Meetings. The city council shall fix suitable times for its regular meetings. The mayor, or in the absence of the mayor, the mayor

pro tem, or a majority of the members of the city council may at any time call a special meeting of the city council by causing written notice, stating the time and place of holding such meeting and purpose of the same and signed by the mayor or city clerk, to be delivered in hand to each member or left at his usual dwelling place or place of business at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when the mayor and all members of the city council are present or consent thereto.

Sec. 13. Quorum. A majority of the members of the city council shall constitute a quorum. In determining whether a quorum is present at any meeting the mayor shall be counted as a member of the city council.

Sec. 14. To Be Public; Presiding Officer; Tie Vote. Meetings of city council shall be public and the mayor, who shall be the official head of the city, shall preside, if present, but shall have no vote except in the case of a tie.

Sec. 15. Presiding Officer in Absence of Mayor. In the absence of the mayor, the mayor pro tempore shall preside and when so presiding shall vote only as herein provided for the mayor, and in the absence of both, a chairman pro tempore shall be chosen to preside at such meetings.

Sec. 16. Majority Vote Prerequisite to Passing Motions; Exception as to Resolutions and Ordinances. A majority vote of the members present at any city council meeting shall be sufficient to pass any motion unless otherwise set out herein. But any resolution or ordinance which is not approved by two-thirds vote of those present on the day that it is introduced shall pass two readings, the second of which shall be at a meeting held subsequent to the day on which it passes its first reading.

Sec. 17. Final Vote Involving Expenditures Exceeding One Thousand Dollars ($1,000.00). All final votes of the city council involving the expenditure of one thousand dollars ($1,000.00) or more shall be by ayes and nays and shall be entered upon the records.

Sec. 18. Rules of Order; Removal of Members for Cause. The city council shall determine its own rules of order and procedure except as otherwise provided. It may punish its members and all others in attendance upon its meetings for disorderly or contemptuous conduct, and with the concurrence of three-fourths of the whole council, remove any member from his office for gross immorality, misconduct, or corruption in office, and for incompetency, upon a full and fair hearing of charges filed for that purpose. Any mayor or alderman so removed shall have the right to appeal to the Superior Court of Vance County, and pending such appeal he shall be suspended without pay. But in event the Superior Court of Vance County finds that the mayor or alderman was wrongly removed from office, he shall be paid in full for the time of his suspension. The city council shall sit with open doors at all of its legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

Sec. 19. Salaries of Mayor and Councilmen. The salary of the mayor shall be fixed by the city council at the meeting held the first Monday in June, or as soon thereafter as is practical. The salary of the city council shall be fixed by the city council to be payable monthly.

Sec. 20. Duties, Authority, etc., of the Mayor. The mayor shall be the chief executive officer of the city, and shall preside over the city council. He shall be active in enforcing the laws of the city and shall have power to authorize the appointment of special policemen by the city manager for any special occasion, and to call upon the local military, under an order of the Governor of the State, for the suppression of any riot or public disturbance, and shall have the power to authorize the appointment of special firemen by the city manager in case of an emergency. In addition to these duties he shall be vested with the following powers and obligations:

(a) The mayor shall sign all written contracts or obligations of the city as required by law or city council. He shall have authority to administer oaths in any transaction or proceeding connected with the city government and all official oaths of the councilmen, aldermen, chief of the police department, chief of the fire department, policemen and firemen, or any other officers of the city may be administered by the mayor.

(b) The mayor shall be ex officio member of all boards or commissions elected by the city council or appointed by the mayor, he shall serve upon the same in an advisory capacity only.

(c) The mayor shall have the power, in event of any riot, public disturbance or excitement threatening the peace of the city, to issue his proclamation prohibiting the sale or distribution of intoxicating liquors, of any weapon or ammunition, the gift, sale or distribution of any incendiary or inflammatory literature, and all public gatherings or speeches intended or calculated to produce disorder or a breach of the peace, in any part of the territory embraced within the police jurisdiction of the city, during a period to be named therein, not exceeding five days, which may be extended from time to time as the emergency may require. Any person violating such order shall be guilty of a misdemeanor.

(d) Such other duties as the city council may prescribe by ordinance.

(e) In the absence or inability of the mayor to act, the mayor pro tempore shall, as acting mayor, assume the duties and exercise all the rights and powers as mayor.

(f) Except where the above duties are assigned to the mayor by general law the duties above set out to be performed by the mayor may be assigned to another person or other persons by an ordinance adopted by the city council by at least a majority vote of the whole city council.

Sec. 21. City Clerk. At the first meeting of the city council after its qualification, or as soon thereafter as practicable, the council shall elect a city clerk, who shall serve at the pleasure of the city council and at a compensation to be fixed by the council, and whose duties shall be as follows:

(a) The city clerk shall act as clerk to the city council and such other boards, committees and commissions as the council shall direct, and shall keep the minutes and records thereof and shall be the custodian of all minute books of the proceedings of the city council and such boards.

(b) The city clerk shall be the custodian of all written claims and demands made upon the city arising out of tort actions.

(c) The city clerk shall be custodian of all signed petitions with reference to public improvements, condemnation proceedings, and all contracts

made and entered into by the city and all notices and affidavits of the publishers with reference to publication of ordinances, budgets, or other legal advertisements required to be made by the city.

(d) The city clerk shall be custodian of the official seal of the city and shall attest and affix such official seal to all documents or instruments of the city required to be so attested and sealed.

(e) The city clerk shall be custodian of all bonds required by the City Code or other ordinance, contract or by law to be executed and deposited with the city.

(f) The city clerk shall perform such other duties as may be required by the city council.

(g) The city clerk shall have authority to administer oaths in any transaction or proceeding connected with the city government, and all official oaths of councilmen, aldermen, commissioners, chiefs of police, chiefs of fire department, policemen, firemen or other officers of the city may be administered by the city clerk.

(h) The city council may combine the position of city clerk with any other office that it deems for the best interest of the City of Henderson, vesting in the person holding such combined offices the powers and duties of all the positions.

Sec. 22. City Collector of Revenue. At the meeting of the city council held on the first Monday in June, or as soon thereafter as is practicable, the city council shall elect a city collector of revenue, who shall serve at the pleasure of the city council and give bond in the amount of not less than twenty-five thousand dollars ($25,000.00), as may be fixed by the city council for the faithful performance of his duties and for a proper accounting of all funds coming into his hands by virtue of his office, or coming into his possession in connection therewith, for which he may be responsible, such bond to be renewed annually by a new bond for such sum as may be determined by the city council, and shall receive such compensation for his services as is fixed by the city council.

The city council may combine the office of collector of revenue with any other office or offices that it sees fit, vesting in the person holding such combined offices the powers and duties of each position.

Sec. 23. City Treasurer. At the meeting of the city council held on the first Monday in June, or as soon thereafter as is practicable, the city council shall elect a treasurer of the city who shall serve at the pleasure of the city council, and who shall give bond in such sum as may be required by the city council, and who shall receive such compensation for his services as may be fixed by the city council. The duties and obligations of the city treasurer shall be such as are designated by the city council.

The city council may combine the office of city treasurer with any other office or offices that it deems wise, vesting in the person holding such combined offices the powers and duties of each position.

Sec. 24. City Attorney. There shall be employed by the city council an attorney or a firm of attorneys to act as city attorney, who shall serve at the pleasure of the city council and receive such compensation as shall be fixed by the city council. Nothing in this Charter shall prevent the city council from employing additional attorneys for extra or special work and

paying for such services an amount to be determined by the city council, or from employing attorneys to examine titles, bring and try suits, sign pleadings and do other acts in connection with the collection or foreclosure of liens for taxes, local improvements, special assessment or other liens of any character. The duties of the city attorney or city attorneys shall be as follows:

(a) To prosecute or defend all suits at law or in equity wherein the city may become plaintiff or defendant in such suit;

(b) To render advisory opinions to the city council, and to the heads of the various departments, to attend the meetings of the city council both regular and special; and approve as to legal form all bonds, contracts and insurance policies as may be in any way connected with the city government;

(c) To perform such other services as the city council may deem necessary.

Sec. 25. Delegation of Duties by Department Heads. Where duties have been set out to be performed specifically by the city clerk, city collector of revenue, or city treasurer, the city council may provide that such duties may be performed by an assistant or deputy. And when such assistant or deputies are granted this authority their acts shall have the same force and effect as if performed by such officer.

Sec. 26. Police Jurisdiction. The members of the police department and the chief of the department shall have all the powers and authority now, or which may hereafter be vested in sheriffs and constables for the preservation of peace of the city and for suppressing disturbances and arresting offenders, which authority of the police department shall not be confined to the corporate limits of the city, but may be exercised anywhere in Vance County.

Sec. 27. City Council—Powers Enumerated. The city council shall continue under existing laws to have power to make and provide for the execution of such ordinances for the city as they may deem proper not inconsistent with the laws of the land, and the city shall have all the powers granted to municipalities by the general laws of the State as the same may now be or as hereafter anacted. In addition to the powers now or hereafter granted to municipalities under the general laws of the State, the city is specifically granted the following powers.

(a) To adopt an ordinance requiring the owners of property abutting sidewalks to keep the sidewalks clear at all times of ice, snow, dirt and debris.

(b) To require all railroad companies to maintain gates or watchmen at street crossings when deemed necessary unless such railroad has installed proper and fully approved automatic warning devices at such crossings as approved by the city council.

(c) To regulate and control the location of railroad tracks and to require railway companies of all kinds to construct at their own expense such bridges, underpasses, turnouts, culverts, crossings and other things as the city council may find necessary.

(d) To require that all property owners provide adequate drainage facilities to the end that their premises be kept free from standing water

and permit the natural flow of water thereon to be taken care of, and that in case of failure on the part of such owner or owners, to provide the same, after due notice, to go upon their premises and construct the necessary facilities and charge the cost thereof against such premises so improved, such cost to constitute a lien upon such premises and be collected as in the case of taxes.

(e) To compromise suits for street and sidewalk assessments when the validity or collectibility of any such assessment is doubtful; provided, however, that no compromise settlement shall be made unless it is recommended by the city attorney, and unless such compromise settlement is approved by three-fourths vote of those present at the council meeting that passes on the proposal.

(f) The city council shall have the power to adopt an ordinance designating the officers of the city who shall be empowered to sign and countersign checks, drafts, warrants and vouchers for payment on behalf of the city.

(g) The enumeration of particular powers by this Charter shall not be deemed or held to be exclusive, but in addition to the powers herein enumerated or implied, the city, either through the city council, or through such other officers as may by law be provided, shall have and may exercise all other powers which under the Constitution and laws of the State, may be granted to cities.

(h) No liability shall accrue to the city for the failure of the city or its officers and employees to perform any duty or exercise any power above enumerated.

Sec. 28. Power to Create, etc., Departments. The city council is specifically authorized and empowered in its discretion to create departments not listed in this Charter, to assign any duties not specifically assigned to a department to any department that it sees fit, to combine and consolidate two or more departments, whether listed in the Charter or not, when deemed wise for saving or efficiency, and to provide employees for any new or consolidated departments, to provide additional employees for departments set up by this Charter; provided, however, that the police and fire departments shall always remain separate departments. The city council shall have full authority to fix the compensation for such employees of the new or consolidated departments or for the employees of the departments set out by this Charter.

Sec. 29. Power to Grant Franchises. No franchise, lease, license by whatever name, or grant, to occupy or use the streets, alleys, parks, squares, and other public places of the city, either on, through, across, under or over the same, and no other franchise, shall be granted by the city to any person for a longer period than 30 years, nor shall any renewal or extension of any such franchise already made or which may be made be valid, if made more than 18 months before the expiration of the original grant and unless public notice has been given of the application for renewal, by publication in some newspaper of general circulation in the city, by publishing once a week for two consecutive weeks notice of the application for renewal of such franchise in a newspaper of general circulation in the city, the first such notice to be at least 15 days and not

more than 21 days prior to such hearing. Such grant and any contract made in pursuance thereof may provide that, upon the termination of the franchise or license, the plant as well as any property of the grantee or licensee, upon the or in or under the streets, avenues, alleys or other public places shall thereupon, without further or other compensation to the grantee or licensee, or upon the payment of a fair valuation thereof, ascertained in a manner therein prescribed, be and become the property of the city; but in no event shall the licensee or grantee be entitled to any payment because of any valuation derived from the franchise. No franchise shall be granted in the first instance except upon notice in some newspaper of general circulation in the city, such notice to be at least 15 days and not more than 21 days prior to the consideration of such matter by the city council, at which meeting all interested parties shall appear and be heard. Whenever any person shall undertake under the terms of any grant, franchise or license from the city to operate any public utility plant or works and to render any public service by means thereof, and shall fail for any reason to furnish and perform such service, the city may bring its action in the Superior Court of the county to compel such service, and upon such failure being made to appear to any Judge having jurisdiction therein, it shall be his duty to appoint a receiver, as in other cases, to take charge and possession of the plant, works, or property and business of defaulting grantee or licensee and furnish such public service according to the terms of such franchise or licensee, and the Judge shall have power and authority to authorize the issuance of receivers certificates, which shall be a charge upon the property and effects of such person, to obtain the necessary funds for renewing, repairing, maintaining and operating the plant, works, and business, and for the efficient performance of such service, and to make such orders, decrees, and judgments as may be proper to assure the performance of such public services and protect the rights and property of the parties in a proper case he may order the sale of the property subject to the terms of such grant, franchise or license, or he may continue the operation under and by such receiver until it shall appear to the satisfaction of the Judge that the owner is able and will render the public service required by such grant, franchise or license, when such receivership may be determined and the property, plant, works, and business returned to the owner thereof. No franchise or grant of the city council shall operate to authorize any grantee hereof to hinder, obstruct, endanger, or impede the public in the free use of any street or public alley within the city, nor be so exercised as to interfere with the public convenience, health, or safety; and all pipes, mains, conductors, ways, poles, cables, wires, railways, and all and every contrivance, appliance, fixture, apparatus, or other instrument of any character, placed, located, or operated under any franchise or grant of the city shall be and remain subject to the control, regulation, and direction of the city council, notwithstanding the terms and provisions of any grant or franchise whatever. The city council shall have full power and authority to require that all wires, cables and conduits shall be placed underground when the public convenience and necessity requires them to be underground. The city council shall have authority to repeal any franchise by ordinance for misuse

or nonuse of the franchise, or for failure to begin construction within the specified time, or for failure to provide proper and adequate extension of the services or failure to properly maintain the plant and fixtures. No franchise may be transferred except by the proper approval of the city council by ordinance.

Sec. 30. Taxing Powers. It shall be in the power of the city and the duty of the city council, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the city, and shall levy and collect the same in accordance with the provisions as exist under the general laws of the State; and the city shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may be granted the city; provided, that all polls and property taxable within the city shall be listed and valued and all property assessed as provided in the general laws of the State, and the city may levy and collect such privilege and license taxes as may be provided by law and the City Code or other ordinance.

(a) The ad valorem taxes levied by the city shall constitute a lien upon the personal and real property, as provided by the general laws of the State. The city shall enforce and perfect such liens upon personal and real property under the provisions and procedure which may be outlined and provided for in the general laws of the State; provided, however, that it shall not be mandatory upon the city to make advertisement and sale of the property of delinquent taxpayers before enforcing its lien; provided, that the rates of discount and interest allowed for the payment of taxes by the general laws of the State shall be applicable to the ad valorem taxes of the city.

(b) Whenever, pursuant to any statute, the City Code or other ordinance, the city does any work on any real estate and by the terms of the statute, Code or ordinance the cost of such work and materials and supplies furnished in connection therewith may be, or is made, a charge against the owner of such real estate or a lien against such real estate, the city clerk shall certify the cost to the collector of revenue of the city and he shall include such cost as a charge or tax against such owner and such real estate in making up the next tax scrolls and tax books for the city, and such charge shall be a lien against such real estate, collectible as are taxes, or collectible by suit, or other lawful means. And in event of the sale of the real estate by the owner before the next scroll or tax books are made up the lien shall follow the real estate and be enforceable against the new owner. Without limiting the generality of the foregoing provisions, they are made especially applicable to the cost of labor done, materials and supplies furnished in connection with any or all of the following: cutting weeds, abating nuisances, remedying dangerous conditions in wells, privies, buildings and houses.

Sec. 31. Power to Convey Real and Personal Property, etc. The city council shall have the power at all times to sell any and all personal property of the city at private sale, without resorting to public sale. The city shall have the power at all times to sell any real property belonging to the city after having advertised the same once a week for four con-

secutive weeks in a newspaper published in the county; provided that before any bid shall be deemed accepted or any sale made, or title passed by virtue of such sale, such sale shall be confirmed by the city council and the council may in its discretion, refuse confirmation, and when so authorized, a deed for such real estate may be executed by the mayor and attested by the city clerk, with the corporate seal of the city attached; provided, however, this shall not apply to plots in the cemetery except as to the manner of execution of the deed. In the sale of real estate the city is authorized to execute deeds in the usual form and containing full covenants of warranty.

Sec. 32. Power to Make Investigations, Subpoena Witnesses, etc. The city council shall have the power to make investigations as to the city's affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books and papers. Any person refusing to attend, or to testify, or to produce such books and papers may by summons issued by the city council be summoned before the recorder of the county or the District Court, and upon failure to give a satisfactory explanation of such refusal or failure he shall be guilty of a misdemeanor and may be fined. Any person who shall give false testimony under oath at any investigation shall be liable to prosecution for perjury.

Sec. 33. Wells, Privies, etc. The city council shall also have the power, by ordinance duly passed, to condemn as nuisances all wells, privies and other erections in the city which on inspection shall be found to be unhealthy, unsanitary or dangerous to persons or property, and cause the same to be abated, removed or filled up, at the expense of the owner, unless the owner thereof, at his own expense, upon notice and with the sanction and authority of the city council, shall reconstruct the same in such a manner as shall be prescribed by the laws of the city; and as to all buildings, wells, privies and other private improvements to be constructed in the future, they shall be constructed so as not to interfere with the health of persons or the safety of persons within the city.

Sec. 34. Corner Lot Assessment. The council shall have authority to determine the amount of applicability of assessment exemptions for corner lots for water and sewer installations, and to distinguish between different classifications of property uses. The exemptions for water mains and sanitary sewers shall not exceed 175 feet. If the corner, formed by two intersecting streets, is rounded into a curve, or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the footage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 35. Street Improvements—Authority of City Council to Make. In addition to any authority which is or may be granted by general law to the city for making street improvements, the city council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of Sections 36 through 38.

Sec. 36. Defined; When Petition Unnecessary. For the purpose of this Section, the term "street improvement" shall including grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs, gutters and street drainage facilities.

The city council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the findings by the council as a fact:

(a) That the street improvement project does not exceed 3000 linear feet for a major or minor thoroughfare and 1,200 linear feet for a residential street, and

(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets or portions of a street already improved, or

(d) That it is in the public interest to widen a street or part thereof, which is already improved; provided, that assessment for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Section.

Sec. 37. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof, unless otherwise provided by this Charter, the city council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 38. Effect. The effect of the act of levying assessments under authority of Sections 35 through 37 shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

Sec. 39. Extension of Extraterritorial Zoning and Subdivision Control Beyond One Mile—Extraterritorial Planning Area Defined. The city extraterritorial planning area is defined as boundaries which may be established coincident with, or with reference to, geographic boundaries, either natural or man made; provided, that such boundaries shall be established, insofar as is practicable, to encompass territory lying within a distance of approximately one mile of the corporate limits; but in no event, shall such boundaries be established to encompass territory lying more than one and one-half miles distance from the corporate limits; provided, further, that in the event of land lying outside the corporate limits, within boundaries established pursuant to this Section, and lying within the boundaries of the extraterritorial authority of another municipality, the city council may enact regulations for enforcement within this extraterritorial area as herein provided only upon receipt of a resolution duly adopted by the governing body of such other municipality consenting to the enactment of such regulations.

Sec. 40. Enactment of Regulations. The city is authorized to adopt a building code, plumbing code, electrical code, zoning ordinance, subdivision ordinance, and mapped streets ordinance in accordance with Sections 45 through 50, and other similar regulatory codes not only for the area within the corporate limits as may be provided for in the General Statutes, but for any area within the city extraterritorial planning area as defined by Section 39.

Sec. 41. Enforcement. The city council is hereby authorized to enforce any regulations adopted by ordinance pursuant to the authority granted by this Act within the city extraterritorial planning area as defined by Section 39 in the same manner as the city may now, or hereafter, be authorized to enforce any such regulations within the corporate limits of the city. This authority shall include the authority to require permits prior to the construction, reconstruction or alteration of any building or structure and to fix a schedule of fees therefor. In addition, the administrative officer of the city, designated by the city council to enforce any ordinance or regulation outside the corporate limits, shall have the same power and authority in the performance of this duty outside the city that he now may or hereafter be vested with in performance of the same duties within the corporate boundaries of the city.

Sec. 42. Authority of Zoning Board of Adjustment. The board of adjustment of the city, appointed pursuant to Section 160-178 of the General Statutes shall have the same power and authority within the city extraterritorial planning area as defined by Section 39 outside the corporate limits of the city as may now or hereafter be vested with such board for the area inside the corporate limits, and such board shall be constituted in accordance with the provisions of Section 160-181.2 of the General Statutes.

Sec. 43. Recording Subdivision Plat, etc. (a) Platting Authority. The board of aldermen is hereby authorized to enact an ordinance regulating the subdivision of land as defined by this Article within the city or within the extra territorial planning area and not located in any other municipality. In the event of land lying outside the city within the extraterritorial planning area and lying also within the subdivision control jurisdiction of another municipality, the jurisdiction of the city shall terminate at a boundary line equidistant from the corporate limits of the city and the corporate limits of the other municipality, unless such municipalities shall agree in writing upon a different boundary line based upon geographical features and existing or projected patterns of development within the area. The legislative body may, if it deems wise, decline to exercise its regulatory powers over any part of its extraterritorial jurisdiction which lies in another county, or which is separated from the municipality or from the remainder of the area subject to municipal jurisdiction by a river, inlet, sound, or other major physical barrier to urban growth; such decision shall not affect the validity of any subdivision regulations enacted for the remainder of the area over which the municipality has extraterritorial jurisdiction.

(b) Adoption of Ordinance; Procedure. Before the board shall adopt a subdivision control ordinance or any amendment thereto, it shall hold a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published within the city, or if no newspaper is so published, by posting such notice at four public places in the city. The notice shall be published the first time, or posted, not less than 15 nor more than 25 days prior to the date fixed for the hearing.

(c) If the board adopts an ordinance regulating the subdivision of land, no subdivision plat shall be filed or recorded until it shall have been sub-

mitted to and approved by the board and such approval entered in writing on the plat by the city clerk, provided a copy of such ordinance shall be filed with the Register of Deeds of Vance County. The register of deeds upon receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the city as herein defined without the approval of such plat by the board. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the city as herein defined. The Clerk of Superior Court of Vance County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

(d) Subdivision Regulations. Prior to exercising the powers granted by this Article, the board shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in paragraph (a) of this Section. The ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for a study, recommendation, and tentative approval to the board or to the planning board or commission.

The ordinance may provide for the orderly development of the city and its environs; for the coordination of streets within proposed subdivision with existing or planned streets or with other public facilities; for the dedication or reservations of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

The ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by regulating the construction of community service facilities, including water lines; sewer lines; street paving, curbing and guttering; and street drainage facilities in accordance with policies and standards established by the board under authority granted in Section 44 of this Charter and, to assure compliance with such requirements, the ordinance may require the posting of bond or other such method as shall offer guarantee of compliance.

Such ordinance may require that a plat be prepared, approved, and recorded pursuant to its provisions whenever land is subdivided within its jurisdiction, within the definition of "subdivision" in G. S. 160-226.6.

(e) Effect of Plat Approval on Status of Dedications. The approval of a plat by the board shall not be deemed to constitute or effect the acceptance by the city or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

However, any municipal legislative body may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, where such lands or facilities are located within its subdivision-regulation jurisdiction.

(f) Penalties for Transferring Lots in Unapproved Subdivisions. If the board adopts an ordinance regulating the subdivision of land as authorized by this Section, any person, who, being the owner or agent of the owner of any land located within the platting jurisdiction of the city as defined by paragraph (a) of this Section, thereafter subdivides his land in violation of such ordinance or transfers or sells such land by reference to or by exhibition of or by other use of a plat showing a subdivision of such land before such plat has been approved by the board and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The city, through the city attorney or other official designated by the board, may enjoin such transfer or sale by action for injunction.

(g) Definitions. For purposes of this Section, a "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Section:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as shown in its subdivision regulations;

(2) The division of land into parcels greater than 10 acres where no street right of way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the city, as shown in its subdivision regulations.

Sec. 44. Authority to Require Improvements to Comply With City Specifications. In addition to the authority granted by G. S. 160-226.3, the city council is hereby authorized to provide for the more orderly development of subdivisions in the extraterritorial area by including in its subdivsion regulation ordinance provisions requiring the following:

(a) that any streets proposed to be opened shall be graded and stabilized, and adequate storm drainage facilities installed, all in accordance with city standards and specifications;

(b) that any streets proposed to be paved, and any curbs and gutters proposed to be constructed, shall be paved and constructed in accordance with city standards and specifications; and

(c) that any water or sewer lines proposed to be installed shall be installed and constructed in accordance with city standards and specifications.

Sec. 45. Proposed Street Lines—Authority to Establish. Whenever, in the opinion of the city council, it is in the best interest of the city to do so, the council may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by Sections 45 through 50.

Sec. 46. Platting. From and after the time of adoption of a major street plan by the city council and the State Highway Commission pursuant to provisions of G. S. 136-66.2, the city council shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the city and the area outside of its corporate boundaries as may be permitted by Section 45. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Sec. 47. Adoption of Official Map, Etc. Following the preparation of plats as required by Section 46, the city council may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the city and the area outside of its corporate boundaries. Before taking any such action, the council shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper published in the city, or if there be no newspaper published in the city, by posting such notice at four public places in the city and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than 15 days prior to the date fixed for said hearing. Following adoption of such a map or maps, the council shall certify a copy to the Register of Deeds of Vance County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking of acceptance of any land for street purposes.

Sec. 48. Right of City to Acquire Property Before Improvement Upon Proposed Street Lines. From and after the time of adoption and certification to the register of deeds of any such map or maps required by Section 47, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the city council shall have been given an opportunity to purchase or otherwise acquire said property for street purposes. To that end, any person proposing to build upon such land or to

make repairs or improvements to any existing building on such land shall, in writing, notify the city council of the nature and estimated cost of such building, repairs, or improvements. The council shall then determine whether it will take the necessary steps to acquire said land prior to construction of said building or the making of said repairs or improvements. If the council fails, within 60 days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice. The building inspector is authorized to withhold and refrain from issuing, for a period not exceeding 60 days from receipt by the council of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

Sec. 49. Effect of Failure to Notify City of Improvements. If any person builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the city council an opportunity to acquire said property free from improvements, as provided in Section 48, the council shall not be required to pay for the value of said building, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

Sec. 50. Effect of Failure of City to Act. The failure of the city council to take action under Section 48, within 60 days after notice shall not have the effect of limiting the right of the council at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the council to take action within the prescribed period.

Sec. 51. Bonds of City Officers and Employees. In all instances where an officer or employee of the city is required by this Charter or by the City Code or other ordinance to furnish bond for the faithful performance of his duties, or the proper accounting of funds of the city, the premiums upon such bond shall be paid by the city. A new bond shall be given each year to provide for cumulative liability of the bond.

Sec. 52. Damage Claims Against City. No action for damages against the city of any character whatever to either person or property, shall be instituted against the city unless within 90 days after the happening or inflicting of the injury complained of, the complainant, his executors or administrators shall give notice to the city council of such injury in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury and the amount of damages claimed therefor, and the city council shall either have declined to pay the same or allowed 20 days to have passed from the date of presentation of the claim and neglected to enter or caused to be entered upon its minutes its determination in regard thereto, but nothing in this Section shall be construed to prevent any statute of limitation from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

Sec. 53. Procedure for Letting Contracts, etc. All purchases and contracts made by the city council shall be made, let, and executed according to the general laws of the State applicable thereto, as the same may be now or hereafter be enacted; provided, however, that contracts of the city involving more than one thousand dollars ($1,000.00) shall be in writing and G. S. 160-279 shall control and govern only contracts of the city in excess of one thousand dollars ($1,000.00).

Sec. 54. City Code to Remain in Force, etc. All provisions of the City Code or other ordinance not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended, or repealed by the city council.

Sec. 55. Effective Date of Charter; Repeal of Certain Acts, etc. The following laws are hereby repealed:

1. Chapter 731, Session Laws of 1953
2. Chapter 904, Session Laws of 1959
3. Chapter 675, Session Laws of 1963
4. Chapter 875, Session Laws of 1963
5. Chapter 651, Session Laws of 1965

No such repeal shall affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the corporation by its present name from any corporation or person whatever be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Henderson. No offense committed and no penalties or forfeitures incurred under any of the Acts or ordinances hereby repealed and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of the Act, such provisions may be extended and applied to any judgment to be pronounced after the repeal; provided, that no suit or prosecution pending at the time of the repeal for any offense committed, or for any penalty or forfeiture incurred under any of the Acts or ordinances hereby repealed shall be affected by such repeal; provided, further, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law; and provided lastly, that all persons who at the time when the said repeal shall take effect shall hold any office under any of the Acts hereby repealed shall continue to hold the same according to the tenure thereof, except as those offices which may have been abolished and those as to which a different provision shall have been made by this Act.

Sec. 56. Severability of Charter Provisions. If any clause, sentence, paragraph, subsection, Section or any part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the part thereof directly involved in such judgment. If any part or clause of this Act shall be declared unconstitutional and if such part so declared unconstitutional embraces subject matter controlled and provided for by any

law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein.

Sec. 57. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 58. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 888 CHAPTER 781

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS 1939, AS AMENDED RELATING TO THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 of the Public-Local Laws of 1939, as amended by Chapter 292 of Public-Local Laws of 1941, as amended by Chapter 79 of Session Laws of 1945, as amended by Chapter 1096 of Session Laws of 1955, as amended by Chapter 455 of Session Laws of 1957, as amended by Chapter 755 of Session Laws of 1959, is hereby amended in the following particulars:

A. By adding the following two paragraphs at the end of Section 3:

"Said cities and counties shall each hold and be vested with an undivided interest in and to lands so acquired, owned, controlled and occupied in proportion to the respective payments made by the several cities and counties to the acquisition and improvement of said lands and to the maintenance of the said Airport established thereon.

"The County of Wake, the City of Raleigh, the County of Durham, and the City of Durham, with the approval of the Raleigh-Durham Airport Authority, are authorized to convey to the State of North Carolina, or to any public board, municipality or authority, by deed or other instrument, upon such terms and conditions as may be agreed upon, without the necessity of complying with the provisions of G. S. 160-59, any real properties vested in the said counties and cities and comprising a part of lands held for airport purposes, in exchange for a conveyance of lands vested in the State of North Carolina or in any other public board, municipality or authority."

B. By adding at the end of Section 4 the following:

"For the purpose of aiding the Raleigh-Durham Airport Authority in the financing of improvements at the Raleigh-Durham Airport, the County of Wake and the County of Durham are each hereby authorized to issue bonds, under and pursuant to The County Finance Act, for airport purposes as provided in Section 153-77 of said Act the same as if such bonds were to be issued to finance improvements at an airport owned and operated by such County, and notwithstanding that the Raleigh-Durham Airport is located outside the corporate limits of the County of Durham. The proceeds of the sale of any such bonds may be expended by the County issuing such bonds or by the Raleigh-Durham Airport Authority, as may be determined by the Board of Commissioners of the County issuing such bonds."

C. By changing the period after the word "board" at the end of the second paragraph of Section 6 to a semicolon and adding the following:

"provided, however, that the representation of a municipality on said Board shall not be changed or affected in the event either the County of Wake or the County of Durham, or both, issue bonds for the purpose of aiding the Raleigh-Durham Airport Authority in the financing of improvements at the Raleigh-Durham Airport."

Sec. 2. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after it ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1008 CHAPTER 782

AN ACT TO RAISE THE SALARIES OF THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Effective commencing July 1, 1967, the annual salary of the Clerk of Superior Court of Mecklenburg County is hereby increased by one thousand dollars ($1,000.00), and the annual salary of the Register of Deeds of Mecklenburg County by one thousand dollars ($1,000.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1054 CHAPTER 783

AN ACT TO AMEND CHAPTER 248, SESSION LAWS OF 1961, RELATING TO THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 248, Session Laws of 1961, is hereby amended by rewriting Section 1 thereof, to read as follows:

"Section 1. The salary of the Chairman of the Board of County Commissioners of Greene County shall be thirty dollars ($30.00) per month, and the salary of the other members of the Board of County Commissioners of Greene County shall be twenty-five dollars ($25.00) per month."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1055 **CHAPTER 784**

AN ACT TO FIX THE SALARY OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF EDUCATION OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Chairman of the Board of Education of Greene County shall be thirty dollars ($30.00) per month, and the salary of the other members of the Board of Education of Greene County shall be twenty-five dollars ($25.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1122 **CHAPTER 785**

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Wayne County shall continue to be constituted with five members as its membership, and the present members of the Board of Education of Wayne County shall continue to hold their offices for the terms of office now established and until the term of office of each member has expired and his successor has been elected and qualified as hereinafter set forth.

Sec. 2. At the primary election to be held in the year 1968 for the nomination of county officers, there shall be nominated by the political parties, as defined in Chapter 163 of the General Statutes, one candidate for membership on the Board of Education of Wayne County. The candidates of the political parties shall file notice of candidacy with the Board of Elections of Wayne County by 12:00 noon on or before the Friday preceding the sixth Saturday before such primary election is to be held, which notice shall state the name of the candidate, age, place of residence and political party with which he affiliates, and which shall be accompanied by a filing fee of five dollars ($5.00). The primary election shall be conducted according to the laws applicable to primaries for the nomination of county officers and as provided by Chapter 163 of the General Statutes, as amended. The candidates shall be voted on at large by the voters or eligible electors of Wayne County, and the results declared according to said primary laws. At the general election to be held in Wayne County for the year 1968, the candidates of the political parties so nominated shall be voted upon by the electors of the County at large. The candidate elected in the general election of 1968 shall be declared to be elected as a member of the Wayne County Board of Education and shall take office and qualify on the first Monday in December, 1968, and shall hold office for a term of six years or until his successor is elected and qualified.

Sec. 3. In the primary election to be held in Wayne County in the year 1970 for the nomination of candidates for county officers, there shall be nominated two candidates from each of the political parties for the Board of Education of Wayne County, and the filing of notice of candidacy, filing fees and other procedure, as set forth above in Section 2 of this Act, shall be followed in the primary of 1970. In said primary two candidates shall be declared to be the nominees of their party according to said primary laws. The candidates so nominated in the primary of 1970 shall be elected in the general election of 1970, and the two nominees receiving the highest number of votes in descending order shall be declared to be elected to the Board of Education of Wayne County and shall serve for terms of six years each.

Sec. 4. At the primary election to be held in the year 1972 for the nomination of candidates for county officers, there shall be nominated two candidates from each of the political parties for membership on the Wayne County Board of Education. The filing of notice of candidacy, filing fees and other procedure, as set forth in Section 2 of this Act, shall be followed in the primary of 1972. Two candidates from each political party shall be declared to be the nominees of their party, according to said primary laws. The candidates of each political party so nominated shall be elected in the general election of the year 1972, and the two candidates receiving the highest number of votes in descending order shall be declared to be elected to membership on the Wayne County Board of Education and shall serve for terms of six years each or until their successors are elected and qualify. All candidates in any primary and all nominees in any general election shall be voted upon by the electors of Wayne County at large. Thereafter, as vacancies occur in the membership of the Wayne County Board of Education by reason of expiration of terms of office, they shall be filled by nomination in the primaries and by election in the general elections according to the number of vacancies to be filled and according to the procedure set forth in this Act.

Sec. 5. In case of a vacancy on the Board of Education of Wayne County caused by death, resignation, change of residence, failure to qualify, or for any other cause whatsoever, the vacancy shall be filled by the executive committee of the political party of the member causing the vacancy until the next primary and general election to be held in Wayne County for the nomination and election of county officers when a candidate shall be nominated and elected for the remainder of the unexpired term.

Sec. 6. The Chairman of the Board of Education of Wayne County shall be elected by the members of said Board of Education at the first regularly scheduled meeting in January of each year, and the Superintendent of Schools of Wayne County shall ex officio be the Secretary of said Board of Education. The said Board of Education of Wayne County shall continue to exercise all the powers and duties as provided by Chapter 115 of the General Statutes, as amended, or as may be provided by any local Act of the General Assembly applicable to Wayne County.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1165 CHAPTER 786

AN ACT TO REGULATE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF SANFORD.

The General Assembly of North Carolina do enact:

Section 1. Beginning on the first day of July, 1967, and thereafter until changed in the manner provided by law, each member of the Board of Aldermen of the City of Sanford shall receive as full compensation for his services the sum of one hundred dollars ($100.00) per month, which amount shall be paid from the general fund of the City.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after the first day of July, 1967.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. B. 1190 CHAPTER 787

AN ACT TO PROVIDE FOR THE ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF CALDWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding the provisions of Article 5 of Chapter 115 of the General Statutes of North Carolina, the Board of Education of Caldwell County shall consist of five members elected for terms of office as hereinafter provided.

Sec. 2. The members of the Board of Education of Caldwell County shall be elected in a nonpartisan election to be held at the same time as the regular primary election held for the nomination of county officers in Caldwell County for the year 1968. The candidates for the office of membership on the Board of Education of Caldwell County shall file a notice of candidacy with the County Board of Elections of Caldwell County at least 30 days prior to the date of holding said primary election, and said notice of candidacy shall be accompanied by a filing fee of five dollars ($5.00). As above stated, the candidates for the offices of membership on the Board of Education of Caldwell County shall be elected on a nonpartisan basis, and said election shall be held at the same time as the primary election for other county officers. The notice of candidacy shall state the name, age and residence of the candidate, along with a statement that such candidate desires to be voted upon as a member of said Caldwell County Board of Education. In said election the two members receiving the highest number of votes shall serve for a term of six years, the next two members receiving the highest number of votes in descending order shall serve for

terms of four years, and the next single member receiving the highest number of votes in descending order shall serve for a term of two years. Thereafter, all candidates shall be elected for terms of six years each. The candidates so elected shall take office on the first Monday in December of the year in which they are elected.

Sec. 3. No candidate shall file as the member of any political party and at said election a separate ballot entitled "School Board" shall be used, and such ballot shall be distributed to all qualified voters desiring to vote in said election without regard to the political affiliation of said voter: Provided, however, nothing herein shall be construed to exclude an independent or person not affiliated with either of the major parties from voting in said election.

Sec. 4. All candidates whose terms of office expire shall be elected in the same manner as herein provided and at the primary election to be held in the year in which said terms of office expire. In those years in which two vacancies exist by reason of the expiration of terms of office, the two candidates receiving the highest number of votes in said election shall be declared elected; in those years in which only one vacancy exists by reason of the expiration of the term of office, the candidate receiving the highest number of votes in the said election held at the same time as the primary election shall be declared to be elected. In the event the number of candidates does not exceed the number of vacancies to be filled no election shall be necessary, and the candidates shall be declared elected. Vacancies on the board which arise during a term of office shall be filled for the unexpired term by the majority vote of the remaining members of the Board of Education of Caldwell County.

Sec. 5. The present members of the Board of Education of Caldwell County shall hold their offices until the first Monday in December, 1968, or until their successors are elected and qualified. All members elected in any election shall take office on the first Monday in December of the year in which the year elected.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. B. 208 CHAPTER 788

AN ACT TO AMEND SECTION 105-204 RELATING TO THE INTANGIBLE PERSONAL PROPERTY TAX ON BENEFICIAL INTERESTS IN FOREIGN TRUSTS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-204 of the General Statutes is hereby amended by striking out the period at the end of such Section and by adding thereto the following: "less, however, the proportion of such value as is equal to the proportion of the beneficiary's income from the trust, trust fund, or trust account (including custodian accounts) that is attributable to (1)

interest received by the fiduciary on bonds, notes or other evidences of debt of the United States, State of North Carolina, subdivisions of this State, or agencies of such governmental units and (2) dividends received by the fiduciary on shares of stock which, or to the extent that the same, are deductible by the beneficiary in computing his income tax liability under the provisions of subdivision (7) of Section 105-147."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 210 CHAPTER 789

AN ACT TO AMEND THE STATE BANKING LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 53-2 is hereby amended by adding the following sentence at the end of subdivision (4) of said Section:

"The Banking Commission is hereby authorized and directed to adopt rules and regulations to keep such original required minimum capital funds intact to the end that they remain in and with the bank as a protection for depositors."

Sec. 2. G. S. 53-4 is hereby amended by deleting the words "he has reason to believe" immediately following the word "investigation" in line 7 and inserting the words "he finds" in lieu thereof; by inserting the word "than" after the word "other" in line 8; by adding the words "and directors, officers, and other managerial officials" after the word "corporation" in line 11; by transferring the last sentence of subdivision (5) of said Section to be a complete separate unnumbered paragraph immediately following subdivision (5) and immediately preceding the last paragraph of said Section; and by deleting the words "to his satisfaction" immediately following the word "ascertained" in the third line of the last paragraph.

Sec. 3. G. S. 53-10, as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by designating the text of the present Section as subsection (a) and adding a new subsection, to be designated subsection (b), and to read as follows:

"(b) A bank may, with the approval of the Commissioner of Banks and by the vote of the holders of at least two-thirds of the stock of the particular class or classes of stock entitled to vote on such proposal, amend its charter to authorize an increase in the common stock of the bank in the category of authorized but unissued stock in an amount not to exceed ten per cent (10%) of the outstanding shares of such class or classes of stock and shares so authorized shall be deemed released from pre-emptive rights. Such authorized but unissued stock may be issued from time to time to officers or employees of the bank pursuant to a stock option or stock purchase plan adopted in accordance with this chapter."

Sec. 4. G. S. 53-12 is hereby amended by striking out the word "examination" in lines 11, 15, and 17 and inserting the word "investigation"

in lieu thereof, and by inserting after the word "protected" in line 13 the words "and find such consolidation is in the public interest,".

Sec. 5. Article 5 of Chapter 53 of the General Statutes is hereby amended by adding a new Section at the end thereof, to be designated as G. S. 53-42.1, and to read as follows:

"G. S. 53-42.1. Report of Changes in Ownership or Management. (a) Whenever a change occurs in the outstanding voting stock of any bank which will result in a change in the control of the bank, the president or other chief executive officer of such bank shall report such facts to the Commissioner of Banks within 24 hours after obtaining knowledge of such change in the control of the bank. As used in this Section the term 'control' means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of the bank, or a change in the ownership of as much as ten per cent (10%) of the outstanding voting stock in any bank.

"(b) Whenever a loan or loans are made by a bank, which loan or loans are, or are to be, secured by ten per cent (10%) or more of the voting stock of a bank, the president or other chief executive officer of the bank which makes the loan or loans shall report such fact to the Commissioner of Banks within 24 hours after obtaining knowledge of such loan or loans, except when the borrower has been the owner of record of the stock for a period of one year or more, or the stock is of a newly organized bank prior to its opening.

"(c) The reports required in subsection (a) and (b) of this Section shall contain whatever information is available to inform the Commissioner of Banks of the effect of the transaction upon control of the bank whose stock is involved and shall contain, when known by the person making the report, the number of shares involved, the identity of the sellers (or transferors) and purchasers (or transferees) of record, the identity of the beneficial owners of the shares involved, the purchase price, the total number of shares owned by the sellers (or transferors) and purchasers (or transferees) of record, both immediately prior to and after the transaction being reported, and the total number of shares owned by the beneficial owners of the shares involved, both immediately prior to and after the transaction being reported, and the identity of borrowers, the name of the bank issuing the stock securing the loan, the number of shares securing the loan and the amount of the loan or loans, and such reports shall be in addition to any reports that may be required pursuant to other provisions of law.

"(d) Each bank shall report to the Commissioner of Banks within 24 hours any changes in chief executive officers or directors, including in its report a statement of the past and current business and professional affiliations of new chief executive officers or directors."

Sec. 6. G. S. 53-43 is hereby amended by adding the following numbered subdivisions at the end thereof:

"(8) To issue, advise and confirm letters of credit authorizing the beneficiaries thereof to draw upon the institution or its correspondents.

"(9) To receive money for transmission.

"(10) To become a member of a clearing house association and to pledge assets required for its qualification.

"(11) To provide for the performance of bank service corporation services, such as data processing services and bookkeeping, subject to such rules and regulations as may be adopted by the State Banking Commission."

Sec. 7. Chapter 53 of the General Statutes is hereby amended by adding immediately after Section 53-43.2 the following Sections, to be numbered and to read as follows:

"G. S. 53-43.3. Officers and Employees; Share Purchase and Option Plans. Subject to any applicable rules or regulations of the State Banking Commission, a bank may grant options to purchase, sell or enter into agreements to sell shares of its capital stock to its officers or employees, or both, for a consideration of not less than one hundred per cent (100%) of the fair market value of the shares on the date the option is granted, or, if pursuant to a stock purchase plan, eighty-five per cent (85%) of the fair market value of the shares on the date the purchase price is fixed, pursuant to the terms of an officer-employee restricted stock option plan or an officer-employee stock purchase plan which has been adopted by the board of directors of the bank and approved by the holders of at least two-thirds of the particular class or classes of stock entitled to vote on such proposal and by the Commissioner of Banks. In no event shall the option to purchase such shares be for a consideration less than the par value thereof. Stock options issued hereunder shall qualify as restricted stock options under the Internal Revenue Code of 1954, and corresponding provisions of subsequent United States law."

"G. S. 53-43.4. Issuance of Capital Notes and Debentures. A bank shall have authority to issue capital notes or debentures, convertible or otherwise, subject to such regulations as the Banking Commission may adopt with respect thereto."

"G. S. 53-43.5. Minors' Deposits and Safe-Deposit Agreements. (a) Deposits. A bank may operate a deposit account in the name of a minor or in the name of two or more persons, one or more of whom are minors, with the same effect upon its liability as if such minors were of full age. This Section shall not affect the law governing transactions with minors in cases outside the scope of this Section.

"(b) Dealings with minor. A bank may lease a safe-deposit box to and in connection therewith deal with a minor with the same effect as if leasing to and dealing with a person of full legal capacity. This Section shall not affect the law governing transactions with minors in cases outside the scope of this Section.

"(c) Safe-deposit agreements. An institution may rent a safe-deposit box or other receptacle for safe deposit of property to, and receive property for safe deposit from, a married minor and spouse, whether adult or minor, jointly. This Section shall not affect the law governing transactions with minors in cases outside the scope of this Section."

"G. S. 53-43.6. School Thrift or Savings Plan. (a) A bank may arrange for the collection of savings from school children by the principal of the school, by the teachers, or by collectors, pursuant to regulations

issued by the State Banking Commission and approved, in the case of public schools, by the board of education or board of trustees of the city or district in which the school is situated. The principal, teacher, or person authorized by the bank to make collections from the school children shall be the agent of the bank and the bank is liable to the pupil for all deposits made with such principal, teacher, or other authorized person to the same extent as if the deposits were made directly with the bank.

"(b) The acceptance of deposits in furtherance of a school thrift or savings plan by an officer, employee or agent of a bank at any school shall not be construed as the establishment or operation of a branch or branch facility."

"G. S. 53-43.7. Safe-Deposit Boxes; Unpaid Rentals; Procedure; Escheats. (a) If the rental due on a safe-deposit box has not been paid for one year, the lessor may send a notice by registered mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days from the mailing of the notice, the box may be opened in the presence of an officer of the lessor and of a notary public who is not a director, officer, employee or stockholder of the lessor. The contents shall be sealed in a package by the notary public who shall write on the outside the name of the lessee and the date of the opening. The notary public shall execute a certificate reciting the name of the lessee, the date of the opening of the box and a list of its contents. The certificate shall be included in the package and a copy of the certificate shall be sent by registered mail to the last known address of the lessee. The package shall then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the box.

"(b) Any documents or writings of a private nature, and having little or no apparent value need not be offered for sale, but shall be retained, unless claimed by the owner, for the period specified for unclaimed deposits, after which they may be destroyed.

"(c) If the contents of the safe-deposit box have not been claimed within two years of the mailing of the certificate, the lessor may send a further notice to the last known address of the lessee stating that, unless the accumulated charges are paid within 30 days, the contents of the box will be sold at public auction at a specified time and place, or, in the case of securities listed on a stock exchange, will be sold upon the exchange on or after a specified date and that unsalable items will be destroyed. The time, place and manner of sale shall also be posted conspicuously on the premises of the lessor and advertised once in a newspaper of general circulation in the community. If the articles are not claimed, they may then be sold in accordance with the notice.

"(d) The balance of the proceeds, after deducting accumulated charges, including the expense of advertising and conducting the sale, together with any money discovered in the box shall be deposited to the credit of the lessee in any account maintained by him, or if none, shall be deemed a deposit account with the bank or trust company operating the safe-deposit facility, or in the case of a subsidiary safe-deposit company, a bank or

trust company owning stock therein, and shall be identified on the books of the bank as arising from the sale of contents of a safe-deposit box. When any such deposit is surrendered as unclaimed deposits, the lessor shall also send to the Commissioner a copy of the certificate and an itemized statement of the amount received and the deductions. Any items remaining unsold may be destroyed.

"(e) The deposits or proceeds from sales referred to in the preceding paragraph shall be subject to all the provisions of G. S. 116-24, relating to the escheat of bank deposits.

"(f) A copy of this Section shall be printed on every contract for rental of a safe-deposit box."

Sec. 8. G. S. 53-46 is hereby rewritten to read as follows:

"G. S. 53-46. Limitations on Investments in Securities. The investment in any bonds or other debt obligations of any one firm, individual, or corporation, unless it be the obligations of the United States, or agency thereof, or other obligations guaranteed by the United States Government, State of North Carolina, or other state of the United States, or of some city, town, township, county, school district, or other political subdivision of the State of North Carolina, shall at no time be more than twenty per cent (20%) of the unimpaired capital and permanent surplus of any bank to an amount not in excess of two hundred and fifty thousand dollars ($250,000.00); and not more than ten per cent (10%) of the unimpaired capital and permanent surplus in excess of two hundred and fifty thousand dollars ($250,000.00)."

Sec. 9. G. S. 53-48 is hereby amended by inserting a comma after the words "United States" in line 13 and adding the words "or an agency of the United States, or other obligations guaranteed by the United States Government," and by adding after the words "United States," in line 14 the words "or agency thereof, or other obligations guaranteed by the United States Government,".

Sec. 10. G. S. 53-50 is hereby rewritten to read as follows:

"G. S. 53-50. Requirement of Reserve Fund. (a) A bank which is not a member of the Federal Reserve System shall maintain at all times a reserve fund in an amount equal to at least fifteen per cent (15%) of the aggregate amount of its demand deposits and five per cent (5%) of the aggregate amount of its other deposits. The amount of the required reserve for each day shall be computed on the basis of average daily deposits covering such biweekly or shorter periods as shall be fixed by regulation of the Banking Commission.

"(b) A bank which is a member of the Federal Reserve System shall maintain at all times a reserve fund in accordance with the requirements applicable to a member bank under the laws of the United States.

"(c) A bank shall give written notice to the Commissioner of Banks, in the manner prescribed by the Commissioner for such notice, of any deficiency in the reserve fund required under subsection (a) or (b) of this Section within three business days after the close of any scheduled averaging period during which such deficiency occurs."

Sec. 11. G. S. 53-62 is hereby amended by striking out the words "he shall have ascertained to his satisfaction" following the word "until" in

line 9 of subsection (b) and inserting the words "he shall find" in lieu thereof, and by striking out the word "and" after the word "cashier" in line 4 of subsection (c) and inserting the word "or" in lieu thereof.

"G. S. 53-62 is hereby further amended by redesignating subsection (e) to be subsection (f), and inserting a new subsection (e) to read as follows:

'(e) A bank may discontinue a branch office or teller's window upon resolution of its board of directors or board of managers. Upon the adoption of such a resolution, the bank shall file a certification with the Commissioner of Banks specifying the location of the branch office or teller's window to be discontinued and the date upon which it is proposed that the discontinuance shall be effective. This certificate must state the reasons for the closing of such branch or teller's window and indicate that the needs and conveniences of the community would still be adequately met. Notice stating the intention to discontinue said branch or teller's window shall be published in a newspaper serving such community once a week for four consecutive weeks before any certificate requesting discontinuance is filed with the Commissioner of Banks. No such branch or teller's window may be discontinued until approved by the Commissioner of Banks, who shall first hold a public hearing thereon, if so requested by any interested party.' "

Sec. 12. G. S. 53-67 is hereby amended by adding the following sentence at the end of said Section:

"In addition to the foregoing powers relating to the fixing of the number and the election of directors, the stockholders of a bank, at any stockholders' meeting, special or annual, may authorize not more than two additional directorships which may be left unfilled and to be filled in the discretion of the directors of the institution during the interval between such stockholders' meetings."

Sec. 13. G. S. 53-77.2 is hereby amended by redesignating subsection (g) to be subsection (h), and by inserting a new subsection (g) to read as follows:

"(g) After a five-day week basis has been ordered pursuant to this Section with respect to any bank or banks, the above procedure shall be applicable with respect to any subsequent request to revert to a six-day week basis, and such reversion may be ordered by the Commissioner if he shall find that the best interest of the commercial banks and the public will be served by a six-day week for commercial banks."

Sec. 14. G. S. 53-84 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"A bank may deposit funds in a bank of a foreign country, but such deposits shall not constitute any part of its reserve as defined in G. S. 53-51."

Sec. 15. G. S. 53-91 is hereby amended by striking out the period at the end thereof, inserting a semicolon in lieu thereof, and adding the following words:

"Provided, further, that it shall not be necessary to require collateral or other security with respect to loans, the total of which to an individual borrower, does not exceed twenty-five hundred dollars ($2500.00)

made pursuant to this Section; provided, further, that in no event shall a loan in excess of twenty-five hundred dollars ($2500.00) be made by any bank to any officer of such bank."

Sec. 16. G. S. 53-92 is hereby amended by rewriting the second sentence of the second paragraph thereof, to read as follows: "Not more than five members of the said Commission shall be practical bankers, and the remainder of the membership of the said Commission shall be selected so as to fully represent the consumer, industrial, manufacturing, professional, business and farming interests of the State." The amendment contained in this Section shall not apply to members currently serving under appointments made prior to the effective date of this Act, but shall apply to their successors only.

Sec. 17. G. S. 53-117 is hereby amended by striking out the period at the end of the first sentence, inserting a comma in lieu thereof, and adding the words "provided the Commissioner of Banks may extend this period to 15 months when, in his opinion, an emergency condition exists that necessitates such action."

Sec. 18. G. S. 53-139 is hereby rewritten to read as follows:

"G. S. 53-139. Capital Stock. The amount of capital stock with which any industrial bank shall commence business shall not be less than fifty per cent (50%) of that which would be required of a commercial bank under the provisions of G. S. 53-2."

Sec. 19. (a) G. S. 53-141 is hereby amended by rewriting subdivision (4) thereof to read as follows:

"(4) To establish branch offices or places of business within the county in which its principal office is located, and elsewhere in the State, after having first obtained the written approval of the Commissioner of Banks, which approval may be given or withheld by the Commissioner of Banks in his discretion. The Commissioner of Banks, in exercising such discretion, shall take into account, but not by way of limitation, such factors as the financial history and condition of the applicant bank, the adequacy of its capital structure, its future earnings prospects, and the general character of its management. Such approval shall not be given until he shall find (i) that the establishment of such branch or teller's window will meet the needs and promote the convenience of the community to be served by the bank, and (ii) that the probable volume of business and reasonable public demand in such community are sufficient to assure and maintain the solvency of said branch or teller's window and of the existing bank or banks in said community. Provided, that the Commissioner of Banks shall not authorize the establishment of any branch the paid-in capital of whose parent bank is not sufficient in amount to provide for capital in an amount equal to that required with respect to the establishment of branches of commercial banks under the provisions of G. S. 53-62. For the purposes of this paragraph, the provisions of G. S. 53-62 as to the meaning of the word 'capital' shall be applicable.

"A bank may discontinue a branch office upon resolution of its board of directors or board of managers. Upon the adoption of such a resolution, the bank shall file a certification with the Commissioner of Banks specifying the location of the branch office to be discontinued and the date upon which it is proposed that the discontinuance shall be effective. This certificate

must state the reasons for the closing of such branch and indicate that the needs and convenience of the community would still be adequately met. Notice stating the intention to discontinue the said branch shall be published in a newspaper serving said community once a week for four consecutive weeks before a certificate requesting a discontinuance is filed with the Commissioner of Banks. No such branch may be discontinued until approved by the Commissioner of Banks, who shall first hold a public hearing thereon, if so requested by any interested party."

(b) Subdivision (7) of said G. S. 53-141 is hereby rewritten to read as follows:

"(7) Subject to the approval of the State Banking Commission, to solicit, receive and accept money or its equivalent on deposit subject to check; provided, however, no such approval shall be given unless and until such industrial bank meets the capital requirements of a commercial bank as set forth in G. S. 53-2."

Sec. 20. G. S. 53-160 is hereby amended by striking out the period at the end thereof, inserting a colon in lieu thereof and adding the following words:

"Provided, however, that a national bank which has been granted trust powers by the Comptroller of the Currency or his duly authorized agent shall be annually licensed as required in this Section and shall be granted a certificate of solvency which will meet the provisions of Section 53-162 without examination by the Commissioner of Banks as required in Section 53-161."

Sec. 21. G. S. 53-1 is hereby amended by redesignating subdivisions (5), (6) and (7) as (6), (7) and (8), respectively, and inserting a new subdivision (5) to read as follows:

"(5) Practical Banker. The term 'practical banker' means an officer or employee of a bank actively engaged in performing duties in managing or supervising or assisting in managing or supervising the conducting of a banking business, including any such banker who is in a retired status from such duties."

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 443 CHAPTER 790

AN ACT TO AMEND G. S. 113-95 SO AS TO INCREASE THE NON-RESIDENT HUNTING LICENSE FEES AND TO ALLOCATE FUNDS DERIVED FROM SAID INCREASE FOR USE IN PROPAGATION, MANAGEMENT, AND CONTROL OF MIGRATORY WATERFOWL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-95, as the same appears in the 1963 Cumulative Supplement to 1960 Replacement Volume 3A of the General Statutes, is hereby amended by deleting the figures "$20.00", appearing in line one of

the license fee schedule, and inserting in lieu thereof the figures "$22.00", and by deleting the figures "15.75" in line two of the license fee schedule, and inserting in lieu thereof the figures "17.75".

Sec. 2. G. S. 113-95 is further amended by adding a new paragraph immediately after the license fee schedule to read as follows: "One dollar ($1.00) of each nonresident hunting license fee, and nonresident six-day hunting permit fee, shall be used by the North Carolina Wildlife Resources Commission for the propagation, management, and control of migratory waterfowl in North Carolina and a like portion of such license fees shall be contributed by the North Carolina Wildlife Resources Commission to a proper agency or agencies in Canada for the propagation, management, and control of migratory waterfowl.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after August 1, 1968.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 606 CHAPTER 791

AN ACT TO PROVIDE FOR THE DECREASE IN AREA OF RURAL FIRE PROTECTION DISTRICTS IN DURHAM COUNTY UPON PETITION OF A MAJORITY OF PROPERTY OWNERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 69-25.11 (2), as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended to read as follows:

"(a) The area of any fire protection district may be decreased by removing therefrom any territory upon the application of the owner or owners of the territory to be removed, and the approval of the Board of County Commissioners of the county in which the district is located."

Sec. 2. This Act applies only to Durham County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 614 CHAPTER 792

AN ACT TO AMEND CHAPTER 66 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE REGULATION OF DEALING IN CERTAIN METALS.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 66-11 is hereby amended by rewriting the same to read as follows:

"Every person, firm, or corporation buying railroad brasses or any composition metal specially used in the operation of trains, or brasses,

composition metals, or copper or aluminum of the kind or quality used by manufacturing or power plants or by the communication industry, or any copper, brass or bronze of whatever kind or description, shall keep a register and shall insert therein a true and accurate record of each purchase, showing the name, address and driver's license number, the make and type of vehicle hauling said scrap, together with the license plate number thereon, of the person from whom purchased, the amount paid for the same, the date thereof, and also any and all marks or brands upon such metal. Such records shall be kept at the place of business of the person, firm or corporation and shall be open to inspection by any law officer."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 653

CHAPTER 793

AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO CONVEY REAL PROPERTY TO A JOINT LIBRARY ESTABLISHED BY ROBESON COUNTY AND THE CITY OF LUMBERTON.

The General Assembly of North Carolina do enact:

Section 1. By a majority vote of its members, the City Council of the City of Lumberton may convey, without consideration, any real property owned by the City of Lumberton, which in the opinion of the Council is not needed for other governmental purposes, to any joint library which may be established jointly by the City of Lumberton and the County of Robeson under Article 8 of Chapter 160 of the General Statutes, and such conveyance may be made by the City of Lumberton upon such terms as, in the judgment of the City Council, shall be for the best interest of the public of the City of Lumberton and of Robeson County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 118

CHAPTER 794

AN ACT RELATING TO COMMUNICATIONS BETWEEN CLERGYMEN AND COMMUNICANTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-53.1, as the same appears in the Supplement to Volume 1B, General Statutes of North Carolina, is rewritten to read as follows:

"8-53.1. Communications Between Clergymen and Communicants. No priest, rabbi, accredited Christian Science practitioner, or a clergyman or ordained minister of an established church shall be competent to testify in

any action, suit or proceeding concerning any information which was communicated to him and entrusted to him in his professional capacity, and necessary to enable him to discharge the functions of his office according to the usual course of his practice or discipline, wherein such person so communicating such information about himself or another is seeking spiritual counsel and advice relative to and growing out of the information so imparted, provided, however, that this Section shall not apply where communicant in open court waives the privilege conferred."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 826 CHAPTER 795

AN ACT TO REGULATE THE FEES OF CERTAIN PUBLIC OFFICIALS OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provision of law the public officers of Watauga County shall receive for their services the salaries and fees hereinafter set forth:

(1) The Sheriff of Watauga County shall be paid not exceeding the sum of seven thousand two hundred dollars ($7,200.00) per year, to be paid in equal monthly installments, and in addition thereto he shall be paid and receive the official fees of his office. A Jailer of Watauga County shall be paid a maximum salary of two thousand four hundred dollars ($2,400.00) per year plus fees. This Section to be designated subsection 1(a).

(2) The Tax Supervisor of Watauga County shall be paid a salary not to exceed seven thousand two hundred dollars ($7,200.00) per year, to be paid in equal monthly installments, and in addition he shall receive the sum of six hundred dollars ($600.00) travel allowance. The tax supervisor shall also serve as County Accountant of Watauga County.

(3) The Tax Collector of Watauga County shall be paid a sum not exceeding seven thousand two hundred dollars ($7,200.00) per year, in equal monthly installments, and in addition the tax collector shall be paid a sum not exceeding one thousand dollars ($1,000.00) for office supplies.

(4) The County Attorney of Watauga County shall be paid a salary of eight hundred dollars ($800.00) per year, to be paid in equal monthly installments, and in addition he shall receive all necessary travel expenses.

(5) The Register of Deeds of Watauga County shall be paid a salary not to exceed three thousand dollars ($3,000.00) per year, to be paid in equal monthly installments, and in addition he shall be paid and receive the official fees of his office.

(6) The Sheriff of Watauga County is authorized to appoint three deputy sheriffs each of whom shall be paid a salary not in excess of four thousand four hundred dollars ($4,400.00) per year, to be paid in equal monthly installments, and in addition each deputy sheriff shall receive

the official fees accruing because of his official services; or in lieu of the preceding appointment the Sheriff of Watauga County is authorized to appoint two deputy sheriffs each of whom shall be paid a yearly salary not in excess of four thousand eight hundred dollars ($4,800.00) to be paid in equal monthly installments, and one deputy sheriff who shall be paid a yearly salary in equal monthly installments not in excess of three thousand six hundred dollars ($3,600.00), and in addition the official fees accruing because of his official services.

(7) The Chairman of the Board of County Commissioners of Watauga County shall be paid a salary not to exceed seven hundred dollars ($700.00) per year, to be paid in equal monthly installments, and in addition thereto all necessary travel expenses incurred by reason of official duties; each member of the Board of County Commissioners of Watauga County shall be paid a salary not to exceed five hundred dollars ($500.00) per year, to be paid in equal monthly installments, and in addition thereto all necessary travel expenses incurred by reason of official duties.

All of the salaries set forth above shall be fixed by the Board of County Commissioners of Watauga County not to exceed the maximum above set forth, and no salary as herein provided shall be increased from one year to another to exceed the amount of twenty per cent (20%) of such salary, nor shall same be decreased any lower than ten per cent (10%) of such salary. All of the salaries as set by the Board of County Commissioners of Watauga County under the provisions of this Act shall be effective July 1, 1967, except the salary of the tax collector, which shall become effective on the first Monday in December 1967, and the salaries of the Chairman and members of the Board of County Commissioners, which shall become effective on the first Monday in December 1968.

Sec. 2. The Board of County Commissioners of Watauga County are hereby authorized to employ an assistant tax supervisor who shall report to and work under the supervision of the Tax Supervisor of Watauga County and to receive a salary not in excess of that paid the tax supervisor.

Sec. 3. From and after the effective date of this Act all travel expenses incurred in the performance of official duties in Watauga County shall be reimbursed in the amount of eight cents (8¢) per mile based upon the nearest and most accessible route traveled.

Sec. 4. In case of a vacancy on the Board of County Commissioners of Watauga County such Democratic vacancy shall be filled by the Democratic Executive Committee. In case of a Republican vacancy such vacancy shall be filled by the Republican Executive Committee. All other salaries of public officials of Watauga County not mentioned herein shall remain at the amount of salary now previously fixed for such position.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 923 **CHAPTER 796**

AN ACT TO AMEND G. S. 90-183.2 WITH REGARD TO ANNUAL REGISTRATION FEES FOR VETERINARIANS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 90-183.2, as the same appears in 1965 Replacement Volume 2C of the General Statutes, is hereby amended by striking out of the seventh line thereof the words and figures, "five dollars ($5.00)" and inserting in lieu thereof, "twenty-five dollars ($25.00)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 982 **CHAPTER 797**

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES TO AUTHORIZE MUNICIPALITIES AND COUNTIES TO CREATE REGIONAL COUNCILS OF LOCAL OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Article to be designated "Article 8A" and to read as follows:

Article 8A

Regional Councils of Local Officials

G. S. 160-77.1. Creation of Regional Councils Authorized. Any two or more municipalities, or counties, or municipalities and counties, may create a Regional Council of local officials to have and exercise such of the powers and duties herein granted as shall be specified in the creating resolutions or in amendments thereto. The membership of any Regional Council of local officials shall be limited to elected members of the governing bodies of the creating governmental units. Creation of a Regional Council shall be accomplished by the adoption of identical resolutions by the governing bodies of the creating governmental units. Such resolutions shall specify the name of the Council and the powers, duties, and functions which the Council may exercise and perform. Such resolutions shall establish the number of Council members to represent the respective governmental units, the terms of members, procedures for replacing members, and the method for determining the financial support to be given the Council by each governmental unit. Such resolutions shall require that the fiscal procedures of the Council substantially comply with the Municipal Fiscal Control Act or the County Fiscal Control Act. Such resolutions may provide for compensation of Council members and for reimbursement of expenses of Council members, and may establish rules and regulations by which the Council shall conduct its business. Any governmental unit may withdraw from a Regional Council at the end of any fiscal year after

having given at least 60 days' notice to the other member units. Any municipality or county may at any time join an existing Regional Council with the concurrence of the member governmental units, by adoption of a resolution identical to the ones under which such Council is then operating.

G. S. 160-77.2. Organization of Council; Rules and Regulations. Upon its creation, a Regional Council shall meet at a time and place agreed upon by the governing bodies of the member governmental units. It shall elect from among its individual members a chairman and such other officers as it may choose, for such terms as may be prescribed in its rules and regulations. The Council shall adopt such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its specified duties and the performance of its specified functions, not inconsistent with any rules and regulations established by the resolutions under which it operates. The chairman may appoint such committees as may be authorized in its rules and regulations. The Council shall meet regularly, at such times and places as may be specified in its rules and regulations, and special meetings may be called pursuant to such rules and regulations. All meetings of the Council shall be open to the public.

G. S. 160-77.3. Staff; Contracts. If granted power to do so by the resolutions under which it operates, and within the limit of funds available to it, any Regional Council may:

(a) hire and fix the compensation of such employees as may be necessary in order for it to perform the duties and functions specified in the resolutions under which it operates;

(b) contract with consultants and other experts for such services as may be required in order for it to perform the duties and functions specified in such resolutions;

(c) contract with the State of North Carolina or the Federal government, or any agency or department thereof, for such services as may be provided by such agencies to assist it in performing the duties and functions specified in such resolutions;

(d) contract with any member governmental unit for the services of any officers or employees of such unit useful to it in performing the duties and functions specified in such resolutions.

G. S. 160-77.4. Fiscal Affairs Generally; Reports; Appropriations. Any Regional Council may accept, receive, and disburse in furtherance of the duties and functions specified in the resolutions under which it operates any funds, grants, and services made available by the State of North Carolina and its agencies; the Federal government and its agencies; any municipality or county or other governmental unit, whether or not a member of such Council; and private and civic sources. The fiscal procedure of all Regional Councils shall substantially comply with the Municipal Fiscal Control Act or the County Fiscal Control Act. Each Regional Council shall prepare each year a report of its activities, including a financial statement, to be distributed to its member governmental units, and shall prepare and distribute such other reports as may be required by the resolutions under which it operates.

Each municipality and county having membership on a Regional Council shall have authority to appropriate funds to the Council and may also levy annually taxes for the payment of such appropriation as a special purpose, in addition to any allowed by the Constitution. The levy of taxes and the expenditure of the proceeds thereof for the purposes of this Article are hereby declared to be a necessary expense and a special purpose, and the special approval of the General Assembly is hereby given for such levy and expenditure. In the event a court of competent jurisdiction should declare that such levy and expenditure is not a necessary expense, then any municipality or county shall have the authority to call and conduct a referendum upon the question of the levy of taxes or the expenditure of tax funds for such purposes, to be conducted in accordance with the laws governing elections for members of its governing body. Services of personnel, use of equipment and office space, and other services may also be made available to the Council, and such services may be accepted from member governmental units as a part of their financial support.

G. S. 160-77.5. Powers and Duties Which May be Granted. (a) A regional Council shall have the power to:

(1) study such of the following area governmental problems common to two or more of its member governmental units as may be specified in the resolutions under which it operates: matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning, or regional development;

(2) promote cooperative arrangements and coordinated action among its member governmental units;

(3) make recommendations for review and action to its member governmental units and other public agencies which perform functions within the region in which its member governmental units are located.

(b) A Regional Council may exercise such other powers as are exercised or capable of exercise by its member governmental units and necessary or desirable for dealing with problems of mutual concern, and which are specified in the resolutions under which it operates.

G. S. 160-77.6. Powers Granted Supplementary. The powers granted to municipalities and counties by this Article shall be deemed supplementary to any powers heretofore or hereafter granted by any other general or local law for the same or similar purposes, and in any case where the provisions of this Article conflict with or differ from the provisions of any other such law, the municipal or county governing body may in its discretion proceed in accordance with the provisions of this Article or in accordance with the provisions of such other law or in accordance with the provisions both of this Article and of such other law.

Sec. 2. Should any Section, clause, or provision of this Act be declared by a court of competent jurisdiction to be invalid for any reason, such declaration shall not affect the validity of the Act as a whole nor of any part thereof other than the part so declared to be invalid, and to that end the provisions of this Act are hereby declared to be severable.

Sec. 3. Subject to the provisions of G. S. 160-77.6, as enacted by Section 1 hereof, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 1025 CHAPTER 798

AN ACT TO AMEND AND CONSOLIDATE THE INVESTMENT AUTHORITY OF LOCAL GOVERNMENT UNITS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 159 of the General Statutes of North Carolina is amended by the addition of Section 159-28.1, which shall read:

"§ 159-28.1. Investment of Unit Funds. (a) From time to time the governing body of a unit may deposit at interest or invest, as provided in subsections (b) and (c), all or part of the cash balance of any unit fund, including but not limited to the funds whose investment is authorized by G. S. 115-80.3, G. S. 153-142.24, G. S. 153-135.1, G. S. 159-25, G. S. 159-49.1, G. S. 160-411.5, and G. S. 160-431. The governing body may by resolution designate any officer, employee, or member of the governing body to manage the unit's deposits and investments on behalf of the governing body subject to whatever restrictions the governing body may impose, and such designee shall have the power to purchase, sell, and exchange securities on behalf of the governing body. The governing body shall exercise due diligence to assure that temporarily idle cash is invested or deposited at a reasonable rate of interest but shall be available to the unit when needed for the purpose for which it was raised.

"(b) Moneys made available for investment may be deposited at interest in any bank or trust company in this State in the form of time deposits, certificates of deposit, or such other form of deposit as the Director of Local Government may approve. Such deposits shall be secured as provided in Section 159-28.

"(c) Moneys made available for investment may be invested in the following classes of securities, and no others:

(1) Obligations of the United States of America;

(2) Obligations of any agency or instrumentality of the United States of America if the payment of interest and principal of such obligations is fully guaranteed by the United States of America;

(3) Obligations of the State of North Carolina;

(4) Bonds and notes of any North Carolina Local Government Unit, subject to such restrictions as the Director of Local Government may impose;

(5) Shares of any savings and loan association organized under the laws of this State and shares of any federal savings and loan association having its principal office in this State, to the extent that the investment in such shares is insured by the United States of America or an agency thereof.

(6) Obligations of the Federal Intermediate Credit Banks, the Federal Home Loan Banks, the Federal National Mortgage Association, Banks for Cooperatives, and the Federal Land Banks maturing no later than eighteen months after the date of purchase.

"(d) (1) The purchase, sale, and trade of securities authorized by this Section may be by private negotiation, and units are authorized to pay all incidental costs thereof and all reasonable costs of administering the investment and deposit program. Provisions shall be made for the adequate safekeeping of the evidences of investment and the adequate bonding of persons charged with their custody or management. Proper recording and accounting shall be made of all investment and deposit transactions.

(2) Interest earned on deposits and investments shall be credited to the fund whose cash is deposited or invested. Cash of several funds may be combined for deposit or investment if not otherwise prohibited by law; and when such joint deposits or investments are made, interest earned shall be prorated and credited to the various funds on the basis of the amounts thereof invested, figured according to an average periodic balance or other sound accounting principle prescribed by the governing body. Interest earned on the deposit or investment of bond funds may be used for the purpose for which the bonds were sold or may be applied to the payment of principal or interest of the bonds.

(3) If funds are invested in registered securities, the securities may be released from registration and transferred on the books of registry kept by or on behalf of the issuer by signature of a person designated to carry out that function by the governing body.

"(e) Insofar as the provisions of any other statute, whether general, local, or special, are inconsistent with the provisions of this Section, this Section shall be controlling."

Sec. 2. (a) G. S. 115-80.3 is rewritten to read as follows:

"§ 115-80.3. Investment of Moneys in Reserve Fund. The cash balance, or parts thereof, of the capital reserve fund may be deposited at interest or invested as provided by G. S. 159-28.1."

(b) G. S. 130-128 (16) c. 2. is rewritten to read:

"2. For deposit at interest or investment under the provisions of G. S. 159-28.1."

(c) Chapter 153 of the General Statutes of North Carolina is amended by the addition of G. S. 153-135.1, which shall read:

"§ 153-135.1. Investment of Funds. The cash balances, or parts thereof, of county funds may be deposited at interest or invested as provided by G. S. 159-28.1."

(d) G. S. 153-142.24 is rewritten to read as follows:

"§ 153-142.24. Investment of Moneys in Reserve Fund. The cash balance, or parts thereof, of the capital reserve fund may be deposited at interest or invested as provided by G. S. 159-28.1."

(e) G. S. 159-25 is rewritten to read as follows:

"§ 159-25. Investment of Unit Sinking Funds. Sinking funds shall be deposited or invested as provided in this chapter, and such deposits and investments shall be subject to the approval of the Director of Local Government."

(f) G. S. 159-49.1 is rewritten to read as follows:

"§ 159-49.1. Investment of Bond Proceeds. Bond proceeds may be deposited at interest or invested as provided by G. S. 159-28.1."

(g) G. S. 159-49.2 is hereby repealed, it being the intent and purpose of this Act that the investment of bond proceeds shall be as provided by G. S. 159-49.1, as amended, and G. S. 159-28.1.

(h) G. S. 160-411.5 is rewritten to read as follows:

"§ 160-411.5. Investment of Funds. The cash balances, or parts thereof, of municipal funds may be deposited at interest or invested as provided by G. S. 159-28.1."

(i) G. S. 160-431 is rewritten to read as follows:

"§ 160-431. Investments. The cash balance, or parts thereof, of the capital reserve fund may be deposited at interest or invested as provided by G. S. 159-28.1."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 1061 CHAPTER 799

AN ACT TO EXTEND TO ALL CITIES AND TOWNS THE AUTHORITY TO ISSUE GENERAL OBLIGATIONS BONDS AND TO LEVY THE REQUIRED TAXES FOR THE PAYMENT OF PRINCIPAL AND INTEREST THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The third paragraph of G. S. 160-397, as the same appears in Volume 3D, 1964 Replacement, of the General Statutes of North Carolina, is hereby re-enacted for the purpose of making the authority granted therein applicable to all cities and towns.

Sec. 2. The Revisor of Statutes is directed to assure that appropriate indication of this re-enactment is made in the General Statutes.

Sec. 3. All laws and clauses of laws whether general, local, or special, in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. B. 1062 CHAPTER 800

AN ACT TO AUTHORIZE MUNICIPALITIES TO UTILIZE BLANKET FIDELITY BONDS AS AN ALTERNATIVE TO CERTAIN INDIVIDUAL FIDELITY BONDS.

The General Assembly of North Carolina do enact:

Section 1. The text of G. S. 160-277, as the same appears in Volume 3D, 1964 Replacement, of the General Statutes of North Carolina, is hereby designated "subsection (a)" and the Section is hereby amended by the addition of the following subsection:

"(b) Cities and towns may adopt a system of blanket faithful performance or honesty bonding as an alternative to individual bonds. When such a system is adopted, statutory requirements of individual bonds,

except as to treasurers or tax collectors by whatever title known, shall not apply to any officer or employee covered by the blanket bond."

Sec. 2. This Act shall be controlling over all conflicting laws, whether general, local, or special.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

S. B. 257 CHAPTER 801

AN ACT TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The salary of the Chairman of the Board of County Commissioners of Jackson County is hereby increased by an amount equal to ten per cent (10%) of the salary now being paid said chairman.

Sec. 2. The other members of the Board of County Commissioners of Jackson County shall receive as compensation: (1) the sum of not more than forty-five dollars ($45.00) per diem for any single day, the major or substantial part of which is spent in the discharge of their official duties; (2) the sum of twenty-five dollars ($25.00) per diem for night meetings or for day meetings involving three hours or less in the discharge of their official duties; (3) reimbursement for travel at a rate of seven cents (7¢) per mile. Provided, the total annual compensation to be received by such members in the discharge of their official duties shall not exceed the sum of one thousand two hundred dollars ($1,200.00) including reimbursement for travel.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

S. B. 423 CHAPTER 802

AN ACT TO AMEND CHAPTER 742, SESSION LAWS OF 1965, RELATING TO THE COMPENSATION OF THE MEMBERS OF THE CRAVEN COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 742, Sessions Laws of 1965, is hereby amended by deleting the words and figures "Twenty Dollars ($20.00)" in subsection (1) and inserting in lieu thereof the words and figures "Thirty Dollars ($30.00)".

Further amend Section 1 of said Chapter by deleting the words and figures "Fifteen Dollars ($15.00)" in subsection (2) and inserting in lieu thereof the words and figures "Twenty-five Dollars ($25.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

S. B. 500 CHAPTER 803

AN ACT REDEFINING AND ESTABLISHING THE CORPORATE LIMITS AND BOUNDARIES OF THE CITY OF DURHAM, AND AMENDING SECTION 2 OF THE CHARTER OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of the Charter of the City of Durham, it being Chapter 142, Private Laws 1921, as amended from time to time, is hereby amended by redefining and establishing the corporate limits and boundaries of the City of Durham as follows, to wit:

Beginning at the point of intersection of the West right of way of U. S. Highway 15-501 and a line 230 feet South of the center line of Cornwallis Road; thence in a westerly direction along a line perpendicular to the West right of way of U. S. Highway 15-501 a distance of 200 feet; thence in a southerly direction along a line 200 feet West of and parallel to the West right of way of U. S. Highway 15-501 about 5760 feet to the point of intersection with the East line of the property of City of Durham formerly property of L. G. Pickett recorded in Plat Book 1, page 260, Durham County Register of Deeds Office; thence in a southeasterly direction along said City of Durham property line and a projection thereof a distance of about 830 feet to the point of intersection with the South right of way line of the U. S. Highway 15-501; thence in a southerly direction along a straight line intersecting at a point 230 feet West of the center line of Shannon Road and 230 feet North of the center line of Chapel Hill Road a distance of about 4620 feet; thence westwardly and southwardly along a line 200 feet North and West of Chapel Hill Road a distance of approximately 1150 feet to a point; thence southwardly along a line perpendicular to Chapel Hill Road a distance of 260 feet to the southeast right of way line of Chapel Hill Road; thence southwardly along the West property line of "Van Trine Park" subdivision as recorded in Plat Book 42, page 3, a distance of approximately 2050 feet to a point; thence southwardly along the West property line of "L. W. Norton" subdivision as shown in Plat Book 24, page 61, a distance of approximately 1660 feet to a point; thence westwardly along the North property line of "Walter A. Biggs and Claude Currie" subdivision as recorded in Plat Book 49, page 11, a distance of approximately 850 feet to a point; thence along and with the West property line of aforesaid subdivision a distance of about 2605 feet to a point; thence eastwardly along the South property

line of said subdivision a distance of approximately 75 feet to a point; thence southwardly along the West property line of "Claude Currie" subdivision as recorded in Plat Book 36, page 21, a distance of approximately 610 feet to a point; thence westwardly along a line 200 feet North of the North right of way line of Swarthmore Road a distance of approximately 520 feet to a point; thence southwardly along a line 200 feet West of and parallel to the West property line of Garrett Road and a projection of said line a distance of 6240 feet to the point of intersection with a westwardly projection of a line 200 feet South of and parallel to the East right of way of the N. C. Highway 751; thence northeastwardly along a line 200 feet East of the East right of way line of N. C. Highway 751 (Hope Valley Road) a distance of approximately 8605 feet to the point of intersection with the South property line of "The Crescent of Hope Valley" subdivision recorded in Plat Book 47, page 63; thence eastwardly along the said South property line of "The Crescent of Hope Valley" subdivision and a projection of said line a distance of approximately 1030 feet to the center line of Third Fork Creek; thence northwardly along the center line of Third Fork Creek a distance of approximately 1700 feet to a point; thence westwardly along the North property line of the said "Crescent of Hope Valley" subdivision and an eastwardly projection of said line a distance of approximately 1410 feet to a point; thence northwardly along a line 200 feet East of and parallel to the East right of way line of Hope Valley Road a distance of approximately 4850 feet to a point of intersection with a line 200 feet South of and parallel to the South line of Brighton Road; thence eastwardly along a line 200 feet South of the South right of way line of Brighton Road a distance of approximately 240 feet to a point; thence southwardly along the West property line of "Sunset Valley" subdivision as recorded in Plat Book 31, page 10 and 11, a distance of approximately 2470 feet to a point; thence eastwardly along the South property line of "Sunset Valley" subdivision as recorded in Plat Book 31, page 10 and 11, a distance of approximately 500 feet to a point; thence northwardly along the East property line of "Sunset Valley" subdivision a distance of approximately 650 feet to a point; thence eastwardly along the South property line of lot 20, block "B" and lot 20, block "A" of "W. R. Hall" subdivision as recorded in Plat Book 35, page 4, a distance of approximately 500 feet to a point; thence southwardly along the West property line of "Lena E. Harris" subdivision recorded in Plat Book 28, page 99, a distance of approximately 450 feet to a point of intersection with the center line of Third Fork Creek; thence northwardly along the center line of Third Fork Creek a distance of approximately 660 feet to the point of intersection with the East property line of the said "Lena E. Harris" subdivision; thence northwardly along the East property line and a projection thereof of "Lena E. Harris" subdivision as recorded in Plat Book 28, page 99, a distance of approximately 2310 feet to a point; thence westwardly along a line 200 feet North of the North right of way line of Brighton Road a distance of approximately 1390 feet to a point; thence northwardly along a line 200 feet East of and parallel to the East right of way line of Hope Valley Road a distance of approximately 2110 feet to a point; thence

eastwardly along a line 200 feet South of and parallel to the South right of way line of Archdale Drive a distance of approximately 2550 feet to a point; thence southwardly and eastwardly along a line 200 feet West of and parallel to the West property line of Oak Ridge Boulevard and a projection of a line 200 feet South of and parallel to the South right of way of Willowdale Drive a distance of approximately 2180 feet to a point; thence eastwardly along a line 200 feet South of and parallel to the South right of way line of Willowdale Drive and a westwardly projection thereof a distance of approximately 2230 feet to a point parallel to and 230 feet South of Tripoli Drive; thence in an easterly and southerly direction along said line parallel to and 230 feet South and West of Tripoli Drive to a point of intersection with a line 230 feet South of and parallel to the center line of Cook Road a distance of about 1160 feet; thence in an easterly direction along the said line parallel to and 230 feet South of the center line of Cook Road to the point of intersection with a line 230 feet West of and parallel to the center line of Cornwallis Road a distance of about 1490 feet; thence in a southeasterly direction along the said line parallel to and 230 feet West of the center line of Cornwallis Road to the point of intersection with a line 230 feet South of and parallel to the center line of Stuart Drive a distance of about 1130 feet; thence in an easterly direction along said line parallel to and 230 feet South of Stuart Drive to the point of intersection with a line parallel to and 230 feet South of Riddle Road a distance of about 600 feet; thence in a northeasterly direction along the said line parallel to and 230 feet South of the center line of Riddle Road to the point of intersection with the East right of way of the Norfolk and Southern Railroad a distance of about 150 feet; thence eastwardly along a line 200 feet South of and parallel to the South right of way line of Riddle Road a distance of approximately 7400 feet to a point; thence northwardly along a line 200 feet East of and parallel to the East right of way line of Chicago Street and a projection thereof a distance of approximately 1790 feet to a point; thence eastwardly along the South property line of Max W. Bryant property and a projection thereof a distance of approximately 930 feet to a point; thence northwardly along the East property line of Green Acres Subdivision as shown in Plat Book 47, page 51, as recorded in the Durham County Register of Deeds Office, a distance of approximately 440 feet to a point; thence westwardly along the North property line of aforesaid Green Acres Subdivision a distance of approximately 2120 feet to a point; thence northwardly along the West property line of Durham Investment Corporation, as found in Plat Book 28, page 90, a distance of 779.60 feet; thence northwardly along said line a distance of 1283.1 feet to the center of Rocky Creek; thence in a northeasterly direction along the center line of Rocky Creek about 3700 feet to a point; thence North 89 degrees 55 minutes East, 62.19 feet to a point; thence North 55 degrees 45 minutes 31 seconds East, a distance of 202.78 feet to a point; thence North 55 degrees 53 minutes 59 seconds East, a distance of 120.63 feet to a point; thence North 83 degrees 03 minutes 08 seconds East, a distance of 2236.28 feet to a point on a line parallel to and 50 feet North of the center line of the main line track of the North Carolina Railroad Company; thence

in a southerly and southeasterly direction a distance of approximately 5205 feet along the said line parallel to and at all points 50 feet North of the center line of the main line track of the North Carolina Railroad Company to its intersection with the projection of a line 200 feet South of and parallel to Pleasant Drive; thence eastwardly along said line a distance of approximately 2075 feet to its intersection with the projection of a line parallel to and 200 feet East of the East right of way line of Lynn Road; thence in a northwardly direction along a line parallel to and 200 feet East of the East right of way line of Lynn Road, a distance of approximately 4550 feet to its intersection with the projection of a line 200 feet East of and parallel to O'Briant Road; thence in a northwardly direction along a line 200 feet East of and parallel to O'Briant Road a distance of approximately 4830 feet to the intersection of a line 200 feet South of the South right of way line of North Carolina Highway No. 98; thence eastwardly along a line 200 feet South of and parallel to the South right of way line of North Carolina Highway No. 98, a distance of approximately 1330 feet to a point; thence northwardly along a line perpendicular to North Carolina No. 98 a distance of approximately 460 feet to a point; thence westwardly along a line 200 feet North of and parallel to the North right of way line of North Carolina Highway No. 98, a distance of approximately 390 feet to a point; thence northwardly along a line parallel to and 200 feet East of the East right of way line of Chandler Road a distance of approximately 2955 feet to the point of intersection with a projection in a southerly direction of the East line of Twin Lakes Subdivision recorded in Plat Book 34, page 106; thence northwardly along the East property line projected of the said Twin Lakes Estate Subdivision a distance of approximately 460 feet to a point; thence westwardly and southwardly along a line 200 feet North of and parallel to the North property line of Chandler Road a distance of approximately 1160 feet to a point; thence westwardly along a line 200 feet North of and parallel to the North property line of Ross Road a distance of approximately 860 feet to a point; thence northwardly along a line 200 feet East of and parallel to the East property line of Broomfield Avenue a distance of approximately 1460 feet to a point; thence westwardly along a line 200 feet North of and parallel to the North right of way line of Independence Avenue a distance of approximately 1540 feet to a point; thence northwardly along a line 200 feet East of and parallel to the East property line of Center Avenue a distance of approximately 1030 feet to a point; thence westwardly a distance of approximately 980 feet along the northern property line of a subdivision of land known as resubdivision of lots 210 and 221, Joyland Heights as recorded in Plat Book 20, page 13; thence in a southerly direction along the West line of said subdivision, resubdivision of lots 210 and 221, Joyland Heights, a distance of 51 feet to a point; thence westwardly along the northern property line of a subdivision of land known as resubdivision of lots 210 and 221, Joyland Heights as recorded in Plat Book 20, page 13, and a projection of said line a distance of approximately 220 feet to its intersection with a line 20 feet East of and parallel to the center line of the Southern Railway, Keysville Branch track, being also the easternmost tract at this

point; thence southwardly along said line 20 feet East of and parallel at all points to the center line of said Southern Railway Company, Keysville Branch railroad track, a distance of approximately 3050 feet to its intersection with a line 200 feet North of and parallel to Ross Road, if projected; thence westwardly along a line 200 feet North of and parallel to the North right of way line of Ross Road and a projection thereof, a distance of approximately 1920 feet to its intersection with the eastern right of way line of U. S. Highway No. 70; thence running in a northerly direction along said U. S. No. 70 right of way line, approximately 3600 feet to a point, 200 feet distant from the South right of way line of Cheek Road; thence eastwardly along a line parallel to and 200 feet distant from the South right of way line of Cheek Road a distance of approximately 790 feet to a point; thence northwardly along a line, and a projection thereof, located 200 feet East of the East right of way line of Midland Terrace a distance of approximately 6380 feet to the center line of Camden Avenue; thence northwardly along a line 200 feet East of and parallel to the East right of way line of proposed Incinerator Road a distance of approximately 3400 feet to its intersection with a line 200 feet East of and parallel to the East right of way line of Dearborn Drive; thence northwardly along said line 200 feet East of Dearborn Drive a distance of approximately 1820 feet to its intersection with a line 200 feet South of the South right of way line of Maplewood Drive; thence eastwardly along a line 200 feet from and parallel to Maplewood Drive as it loops back into Dearborn Drive a distance of approximately 2430 feet to a line 200 feet East of and parallel with Dearborn Drive; thence northwardly along a line 200 feet East of and parallel to the East right of way line of Dearborn Drive a distance of approximately 2740 feet to the East right of way line of the Norfolk and Western Railway; thence northwardly along the East right of way line of the Norfolk and Western Railway a distance of approximately 1760 feet to the intersection of a line projected which is located 200 feet North of and parallel to the North right of way line of Arlene Street; thence westwardly along said line a distance of approximately 1360 feet to the intersection of a line projected which is 200 feet West of the West right of way line of Usher Street and parallel thereto; thence southwardly along a line 200 feet West of and parallel to the West right of way line of Usher Street a distance of 630 feet to a point, said point being located 200 feet North of the North right of way line of Craven Street; thence westwardly along the North right of way line of Craven Street a distance of approximately 650 feet to a point; thence northwardly along a line 200 feet East of the East right of way line of Old Oxford Highway a distance of approximately 550 feet to a point; thence westwardly along a line 200 feet North of and parallel to the North right of way line of Arlene Street as projected a distance of approximately 580 feet to a point; thence southwardly along a line 200 feet West of and parallel to the West right of way line of Old Oxford Highway, a distance of approximately 2200 feet to a point on the western property line of Wiggins Street; thence North 3 degrees 22 minutes East along said western property line of Wiggins Street, a distance of about 860 feet to a stake; thence South 63 degrees 56 minutes West, a distance

of 364.72 feet to a stake; thence South 68 degrees 19 minutes West, a distance of 249.52 feet to a stake; thence South 58 degrees 33 minutes West, a distance of 240.50 feet to a stake; thence South 82 degrees 42 minutes West, a distance of 234.30 feet to a stake on the eastern property line of Duke Lane; thence along the eastern property line of Duke Lane the following courses and distances: South 7 degrees 6 minutes East, a distance of 446.19 feet to a stake; thence in a southerly direction along an arc to the right, said arc having a radius of 254.61 feet, a distance of 39.03 feet to a stake; thence South 1 degree 42 minutes West, a distance of 243.89 feet to a point on the N. W. corner of Eno Primitive Baptist Church; thence South 85 degrees 47 minutes East along the northern property line of said church a distance of 346.63 feet to a stake; thence South 44 degrees 38 minutes East, a distance of about 107 feet to a point on a line 200 feet North of the right of way of Old Oxford Highway; thence in a southwesterly direction along said line parallel to and 200 feet North of the northern right of way line of Old Oxford Highway about 2500 feet to a point on a line 230 feet East of the center line of Roxboro Road; thence in a northerly direction along said line parallel to and 230 feet East of the center line of Roxboro Road, a distance of about 1400 feet to a point; thence North 9 degrees 0 minutes East, a distance of 559.72 feet to a point; thence North 0 degrees 20 minutes East, a distance of 109.55 feet to a point; thence North 81 degrees 00 minutes West, a distance of 399.75 feet to a point; thence South 42 degrees 56 minutes West, a distance of 242.38 feet to a point on a line 230 feet from and parallel to the center line of Roxboro Road; thence in a northerly direction along said line parallel to and 230 feet East of the center line of Roxboro Road, a distance of about 4200 feet to the southern property line of Pacific Avenue; thence North 82 degrees 38 minutes East along said southern property line of Pacific Street, a distance of 512.95 feet to a point; thence South 6 degrees 51 minutes East, a distance of 223.27 feet to a point; thence North 82 degrees 49 minutes East, a distance of 424.12 feet to a point; thence North 5 degrees 0 minutes East, a distance of 1392.86 feet to a point; thence North 85 degrees 41 minutes West, a distance of 717.67 feet; thence North 84 degrees 52 minutes West, a distance of 200 feet to a point; thence North 85 degrees 05 minutes West, a distance of 335.42 feet to a point on a line 230 feet East of the center line of Roxboro Road; thence in a northerly direction along said line parallel to and 230 feet East of the center line of Roxboro Road, a distance of about 5400 feet to its intersection with the North property line and a projection thereof of "Argonne Hills" subdivision as recorded in Plat Book 36, page 45; thence along said North property line and a projection thereof westwardly a distance of approximately 1320 feet to a point; thence southwestwardly along the creek line which is also the property line of aforesaid "Argonne Hills" subdivision, a distance of approximately 670 feet to a point; thence westwardly along the North line of aforesaid "Argonne Hills" subdivision a distance of approximately 680 feet to a point being also the northwest corner of "Argonne Hills" subdivision; thence southwardly along the western property line and an extension thereof of "Argonne Hills" subdivision, a distance of approximately 2100

feet to its intersection with the North property line of a subdivision of land known as Property of P. M. Bussell as shown in Plat Book 18, page 97; thence westwardly along said northern property line a distance of approximately 2290 feet to its intersection with a line 200 feet North of and parallel to the North right of way line of Horton Road; thence westwardly, a distance of approximately 2895 feet along a line 200 feet North of and parallel to the North right of way line of Horton Road to a point 200 feet West of Guess Road; thence southwardly along a line 200 feet West of and parallel to the West right of way line of Guess Road, a distance of approximately 4990 feet to a point 200 feet North of the North right of way line of Chamblee Street; thence westwardly along a line 200 feet North of and parallel to Chamblee Street, a distance of approximately 1790 feet to a point 200 feet West of the West right of way line of Hillandale Road; thence southwardly along a line 200 feet West of and parallel to Hillandale Road approximately 2390 feet to a point located 200 feet North of Carver Street; thence along a line 200 feet North of and parallel to the North right of way line of Carver Street, a distance of approximately 550 feet to its intersection with the projection of a line being the West property line of Hillandale School; thence South 1 degree 50 minutes West, a distance of 205.52 feet to a point on the northern right of way line of Carver Street; thence in a westerly direction along the northern right of way line of Carver Street, a distance of 4485.17 feet to a point; thence South 67 degrees 33 minutes 38 seconds West, a distance of 456.10 feet to a point; thence South 0 degrees 29 minutes 13 seconds West, a distance of 939.66 feet to a point; thence South 68 degrees 38 minutes 09 seconds West, a distance of 492.02 feet to a point on the western right of way line of Cole Mill Road; thence in a southerly direction along said western right of way line of Cole Mill Road, a distance of about 4461 feet to a point 200 feet North of the Northern right of way line of U. S. Highway I-85; thence northwesterly along a line 200 feet North of and parallel to the North right of way line of U. S. I-85, a distance of approximately 1227 feet to a point; thence in a southwesterly direction perpendicular to the westbound lane of U. S. Highway I-85, a distance of approximately 969 feet to a point on the West right of way line of the Southern Railway; thence southerly along and with the West right of way line of the Southern Railway, a distance of approximately 660 feet to a point on a projected line, which is 200 feet West of the West property line of Morreene Road; thence southerly along a line which is 200 feet West of the western property line of Morreene Road, a distance of approximately 2371 feet to a point; thence North 89 degrees 31 minutes 22 seconds West, a distance of 1149.20 feet to a point; thence South 8 degrees 48 minutes 00 seconds West, a distance of 1166.26 feet to a point; thence South 24 degrees 35 minutes 31 seconds West, a distance of 423.97 feet to a point; thence South 72 degrees 13 minutes 07 seconds East, a distance of 1323.3 feet to a point; thence South 38 degrees 51 minutes 20 seconds East, a distance of 1360.07 feet to a point on the western right of way line of U. S. 15 and 501; thence in a southerly direction along said western right of way line of U. S. 15 and 501, a distance of approximately 10,000 feet to a point of intersection on

said western right of way line of U. S. 15 and 501 and a line 200 feet South of and parallel to the southern property line of Cornwallis Road, said point being the place and point of Beginning.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

S. B. 577 CHAPTER 804

AN ACT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE TRYON CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That Guynell Smith be, and he is hereby, appointed a trustee of the Tryon City Administrative School Unit in Polk County to serve for a term extending to and ending on the first Monday in April, 1969. The said Guynell Smith shall qualify for his said office on the 15th of June, 1967, or as soon thereafter as practicable.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 626 CHAPTER 805

AN ACT AMENDING CHAPTER 224 OF THE 1951 SESSION LAWS RELATING TO THE LETTING OF CONTRACTS AND THE PURCHASE OF MOTOR VEHICLES BY THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 224 of the 1951 Session Laws is hereby amended by striking out in line 3 the words and figures "two thousand dollars ($2,000.00)", and by inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 2. This Act shall apply only to the City of Winston-Salem.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 727 **CHAPTER 806**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF WHITEVILLE AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Whiteville is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF WHITEVILLE

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The City of Whiteville, as originally incorporated by Chapter 101 of the Private Laws of 1832-33, shall continue to be a body politic and corporate under the name of the 'City of Whiteville', and shall continue to be vested with all property and rights which now belong to the city; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the city council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Whiteville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Sec. 1.4. Form of Government; Certain General Laws Not Applicable. The form of government of the City of Whiteville shall be the Council-Manager form, as specified in this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes shall be applicable to the City of Whiteville.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Whiteville shall be as follows until changed in accordance with law: Beginning at an old iron set in concrete, the original northeast corner of the city limits of the City of Whiteville, said iron having coordinates of: X-2,092,914.92 and Y-216,847.96 according to the N. C.

Geodatic Survey Coordinate System and runs thence North 88 degrees 17 minutes West 2259.05 feet to a point; thence North 12 degrees 57 minutes East 291.78 feet to a point at the northern 30 foot right of way of N. C. Road No. 1706; thence with the northern margin of said road, North 84 degrees 47 minutes West 678.96 feet to said road's intersection with the eastern 30 foot right of way of Pinckney Street; thence with the eastern margin of Pinckney Street South 11 degrees 54 minutes West 332.86 feet to a concrete monument; thence North 88 degrees 17 minutes West 30.48 feet to a point in the center of Pinckney Street (said point located the following courses and distances from U. S. C. & G. Survey Marker, marked Whiteville 1942 as located on the North lawn of the Columbus County Courthouse; North 9 degrees 42 minutes East 431.88 feet; North 11 degrees 55 minutes East 1217.10 feet, and North 11 degrees 39 minutes East 934.18 feet); thence continuing across Pinckney Street North 88 degrees 17 minutes West 30.48 feet to a concrete monument; thence with the western margin of Pinckney Street North 11 degrees 54 minutes East 168.64 feet to a concrete monument; thence with center of a ditch along the northern boundary of the Bessie Tucker Subdivision North 87 degrees 19 minutes West 651.50 feet to its intersection with another ditch at the eastern property line of the Oscar High lots; thence with the ditch South 2 degrees 51 minutes West 177.08 feet to a point; thence North 88 degrees 17 minutes West 1985.08 feet crossing U. S. 701 Bypass to a point; thence South 01 degrees 43 minutes West 2516.06 feet to a point in the center of U. S. 74-76 Highway; thence with the center line of said highway South 83 degrees 05 minutes West 1417.24 feet to a point at intersection of said highway with the run of Mollies Branch; thence with the run of Mollies Branch the following courses and distances:

South 13 degrees 02 minutes East 105.15 feet, South 12 degrees 45 minutes East 422.52 feet, South 13 degrees 03 minutes East 524.86 feet, South 37 degrees 22 minutes East 147.15 feet, South 01 degrees 31 minutes West 228.88 feet, South 15 degrees 22 minutes West 69.92 feet, South 26 degrees 35 minutes West 89.95 feet, South 01 degrees 43 minutes East 82.40 feet, South 04 degrees 40 minutes West 90.20 feet, South 10 degrees 05 minutes East 85.87 feet, South 00 degrees 19 minutes East 120.42 feet, South 13 degrees 09 minutes East 342.96 feet, South 08 degrees 58 minutes West 188.93 feet, South 02 degrees 15 minutes East 253.76 feet, South 03 degrees 53 minutes East 263.74 feet, South 05 degrees 07 minutes West 331.02 feet, South 06 degrees 33 minutes East 61.04 feet, South 08 degrees 01 minutes East 87.80 feet, South 10 degrees 38 minutes East 278.58 feet, South 14 degrees 48 minutes East 98.01 feet, South 26 degrees 34 minutes East 137.65 feet, South 29 degrees 44 minutes East 139.05 feet, South 19 degrees 54 minutes East 192.14 feet, South 00 degrees 51 minutes West 465.70 feet, South 37 degrees 28 minutes West 113.60 feet, South 55 degrees 22 minutes West 143.65 feet, South 49 degrees 58 minutes West 193.50 feet, South 35 degrees 41 minutes West 104.76 feet, South 25 degrees 32 minutes West 99.45 feet, South 09 degrees 34 minutes West 98.97 feet, South 13 degrees 47 minutes East 238.28 feet, South 33 degrees 31 minutes East 67.77 feet, South 02 degrees

18 minutes East 128.62 feet, South 16 degrees 36 minutes West 148.03 feet to the intersection of the run of Mollies Branch with the center of the ACL Railroad tracks; thence continuing with the run of Mollies Branch, the following courses and distances: South 08 degrees 56 minutes West 492.33 feet, South 08 degrees 40 minutes West 482.02 feet, South 01 degrees 14 minutes West 215.65 feet, and South 39 degrees 24 minutes East 312.0 feet to the mouth of Mollies Branch at its intersection with the run of Soles Swamp; thence with the run of Soles Swamp a straight line computed course and distance South 68 degrees 10 minutes East 6973.08 feet to a point in said run; thence with the original eastern line of the limits of the City of Whiteville North 01 degrees 43 minutes East 25.0 feet to a concrete monument; thence continuing said line North 01 degrees 43 minutes East 3683.80 feet to a point at the northern 65 foot right of way of the ACL Railroad; thence with said railroad's northern right of way North 86 degrees 35 minutes West 941.15 feet to its intersection with the eastern right of way of Maultsby Street; thence with the eastern margin of said street North 2 degrees 13 minutes East 2693.95 feet to a concrete monument at the northeast intersection of Maultsby & East Lewis Street; thence with the northern margin of East Lewis Street crossing the Tram Road North 89 degrees 54 minutes East 918.18 feet to a point in the original city limits line; thence with that line North 01 degrees 43 minutes East 627.23 feet to a concrete monument at the southeastern 30 foot right of way of the Tram Road; thence with the eastern margin of said road the following: North 38 degrees 28 minutes East 100.00 feet, North 37 degrees 14 minutes East 100.00 feet, North 32 degrees 22 minutes East 100.00 feet, North 23 degrees 04 minutes East 100.00 feet, North 12 degrees 47 minutes East 100.00 feet and North 09 degrees 01 minutes East 72.40 feet to a concrete monument; thence with the eastern margin of said Tram Road North 3 degrees 48 minutes East 2088.53 feet to a concrete right of way monument at the southeast intersection of the Tram Road with U. S. 74-76 Highway; thence crossing said highway North 14 degrees 51 minutes East 105.32 feet to a concrete right of way monument at the northeastern intersection of the Tram Road and U. S. 74-76 Highway; thence continuing along the eastern margin of the Tram Road North 9 degrees 39 minutes East 1464.12 feet to a concrete monument; thence North 81 degrees 16 minutes West 407.50 feet to an iron; thence North 8 degrees 36 minutes East to an iron; thence South 80 degrees 29 minutes West 186.05 feet to a concrete monument in said line and the original city limits line; thence North 01 degrees 43 minutes East 650.85 feet to the Beginning.

"Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND CITY COUNCIL

"Sec. 3.1. Composition of City Council. The city council shall consist of four members to be elected by and from the qualified voters of the city voting at large in the manner provided in Article IV.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The mayor shall be elected by and from the qualified voters of the city voting at large in the manner provided in Article IV. The mayor shall be the official head of the city government and shall preside at all meetings of the city council. The mayor shall have the power to vote on all questions coming before the council, but he shall not have the power to vote again in instances where there is an equal division on a question. The mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The city council shall choose one of its number to act as mayor pro tempore, and he shall perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the council.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the city council shall serve for terms of four years, and the mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

"(b) No person shall be eligible to be a candidate or be elected as mayor or as a member of the city council or to serve in such capacity, unless he is a resident and a qualified voter of the city.

"(c) In the event a vacancy occurs in the office of mayor, the council shall by majority vote appoint some qualified person to fill the same until the next election. Any vacancy in the office of councilman shall be filled by majority vote of the mayor and the remaining members of the council until the next election.

"Sec. 3.4. Compensation of Mayor and Councilmen. The mayor shall receive for his services such salary as the city council shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect as to any councilman during the respective term of office which he is serving at the time the increase is voted.

"Sec. 3.5. Organization of Council; Oaths of Office. The city council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the mayor and each councilman shall take, subscribe, and have entered upon the minutes of the council the following oath of office: 'I, ...', do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.6. Meetings of Council. (a) The city council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the mayor or a majority of

the council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the council shall be open to the public. The council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the city council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) Three affirmative votes, which may include the vote of the mayor, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the council. The enacting clause of all ordinances shall be: 'Be it ordained by the city council of the City of Whiteville'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the city voting at large a mayor to serve for a term of two years and two councilmen to serve for terms of four years, or until their successors are elected and qualified; provided, however, that if one or more vacancies shall have occurred during the first two years of a term, then a councilman shall be elected to fill the remaining two years of such term or terms.

"Sec. 4.2. Voting. Each voter shall be entitled to vote for one candidate for mayor and for as many candidates for councilman as there are offices to be filled. The candidate for mayor who receives the largest number of votes cast for mayor shall be declared elected. The two candidates for councilman who receive the largest number of votes cast for councilman shall be declared elected for terms of four years. If, by reason of one or more vacancies to be filled at any election, more than two councilmen are elected, then all those elected except the two receiving the largest numbers of votes shall be declared elected for terms of two years.

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of mayor or councilman shall file with the city clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and

shall be substantially in the following form: 'I, ...,
do hereby give notice that I am a candidate for election to the office of
....., to be voted on at the election to be held on
....., and I hereby request that my name
be placed on the official ballot for such office. I also certify that I am a
resident and qualified voter of the City of Whiteville, residing at
.....

Witness:..... .....(Signature).....
.....(Date).....'

"Sec. 4.4. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

"Sec. 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

"ARTICLE V. CITY MANAGER

"Sec. 5.1. Appointment; Compensation. The city council shall appoint an officer whose title shall be city manager and who shall be the chief executive officer of the city and the head of the administrative branch of the city government. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the city, but shall reside therein during his tenure of office. No person elected as mayor or as a member of the city council shall be eligible for appointment as city manager until one year shall have elapsed following the expiration of the term for which he was elected. The city manager shall serve at the pleasure of the council and shall receive such salary as the council shall fix. In case of absence or disability of the city manager, the council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

"Sec. 5.2. Chief Administrator. The city manager shall be responsible to the city council for the proper administration of all the affairs of the city. As chief administrator, the city manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the city attorney, who shall be appointed as provided in Article VI. Neither the mayor nor the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager. Except for the purpose of inquiry, the mayor and the city council and its members shall deal with officers and employees in the administrative service only through the city manager, and neither the mayor nor the city council nor any of its members shall give orders or directions to any subordinate of the city manager, either publicly or privately.

"Sec. 5.3. Duties of City Manager. It shall be the duty of the city manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the city council and

the laws of the State are faithfully executed and enforced; to make such recommendations to the city council concerning the affairs of the city as he shall deem expedient; to keep the city council advised of the financial condition and the future financial needs of the city; to attend all meetings of the city council and to prepare and submit to it such reports as he may deem expedient or as may be required of him by the council, and to perform all other duties as may be required of him by the city council.

"ARTICLE VI. CITY ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Term; Compensation. The city council shall appoint a city attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The city attorney shall serve at the pleasure of the council and shall receive such compensation as the council shall determine.

"Sec. 6.2. Duties of City Attorney. It shall be the duty of the city attorney to prosecute and defend suits for and against the city; to advise the mayor, city council, city manager, and other city officials with respect to the affairs of the city; to draw all legal documents relating to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend all meetings of the city council; and to perform such other duties as may be required of him by virtue of his position of city attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. City Clerk. The city manager may appoint a city clerk to keep a journal of the proceedings of the city council and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the city manager may direct.

"Sec. 7.2. City Tax Collector. The city manager may appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 7.3. City Accountant. The city manager may appoint a city accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

"Sec. 7.4. Consolidation of Functions. The city manager may, with the approval of the city council, consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The city manager may also, with the approval of the city council, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

"Sec. 7.5. Political Activity of Officials and Employees. No appointed employee or official of the city shall be a candidate for any public office or any office or position in any political organization, unless he shall first resign from his position with the city. The filing or announcing as a candidate for any such office or position by any such official or employee shall ipso facto create a vacancy in his office or position with the city.

"ARTICLE VIII. FINANCE AND TAXATION

"Sec. 8.1. Custody of City Money. All moneys received by the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the city council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All moneys belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The city council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the city council.

"Sec. 8.3. Delinquent Taxes to General Fund. The city council may, in its discretion, direct the payment into the general fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the fiscal year for which they were levied.

"ARTICLE IX. DISPOSAL OF PROPERTY

"Sec. 9.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the mayor and city council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the council has declared to be surplus, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars ($2,000.00);

"(b) without bids or advertisements, by exchange for real property of like or greater market value.

"(c) No sale or exchange of real property authorized by this Section shall be ordered by the mayor and city council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the city a notice of their intention to consider such sale or exchange.

"Sec. 9.2. Disposal of Surplus Personal Property. The city council shall have power, in addition to the power granted by G. S. 160-59, to

sell or to direct any of its officers or employees to sell any personal property, which the council has declared to be surplus property, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

"(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the council;

"(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the council.

"ARTICLE X. POLICE

"Sec. 10.1. Jurisdiction Extended.

"(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

"(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Sec. 10.2. Effect of Ordinances on City Property. All applicable ordinances of the city shall have full force and effect upon and within all property and facilities owned by the city, whether located within or outside the corporate limits.

"ARTICLE XI. REFUSE, WEEDS, AND TRASH

"Sec. 11.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the city to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"Sec. 11.2. Removal of Offensive Matter; Charges a Lien. The city council may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"ARTICLE XII. REGULATORY POWERS

"Sec. 12.1. Subdivision Regulations. Notwithstanding the provisions of G. S. 160-227.1, the city council is hereby authorized to adopt an ordinance regulating the subdivision of land in accordance with the provisions of G. S. 160-226 through 160-227, inclusive. Such ordinance may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with city standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

"Sec. 12.2. Regulatory Codes. The city council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the city regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200 (28) relating to unsafe buildings. In addition, the city council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the city; provided, that the city council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

"Sec. 12.3. Zoning Board of Adjustment Rules. The city council may establish by ordinance general and reasonable rules fixing the time within which appeals shall be taken from any order, requirement, decision or determination made by the building inspector or any other administrative official charged with the enforcement of any ordinance adopted pursuant to Article 14 of Chapter 160 of the General Statutes, and general and reasonable rules regulating the procedure for taking such appeals, for the giving of notice to interested parties and to the general public, for the conduct of hearings by the Board of Adjustment, for keeping the records by the Board of Adjustment, and for the issuance of certificates of its decisions by the Board of Adjustments. The city council may prescribe by ordinance the forms of notices, orders, and certificates to be issued by the Board of Adjustment and to be used in proceedings before the board, and may from time to time amend such general rules and regulations. The city council may also require reasonable costs to be advanced by appellants, so as to defray the expenses of the city in connection with such appeals and hearings.

"ARTICLE XIII. CLAIMS AGAINST THE CITY

"Sec. 13.1. Presentation of Claims; Suit Upon Claims.

"(a) All claims or demands against the City of Whiteville arising in tort or in contract shall be presented to the city council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

"(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose, or for the ejectment of the city therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the city council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

"Sec. 13.2. Settlement of Claims by City Manager. The city manager may, with the approval of the city council, settle claims against the city for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or

taking complained of. All such settlements, and all such releases, shall be approved in advance by the city attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the City of Whiteville and to consolidate herein certain Acts concerning the property, affairs, and government of the city. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the City of Whiteville;

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;

(c) c. 161, Private Laws, 1929.

Sec. 4. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c. 101, Private Laws, 1832-33.
c. 21, Private Laws, 1873-74.
c. 267, Private Laws, 1891.
c. 90, Private Laws, 1893.
c. 107, Private Laws, 1897.
c. 480, Private Laws, 1899.
c. 143, Private Laws, 1903.
c. 273, Private Laws, 1907.
c. 301, Private Laws, 1911.
c. 104, Private Laws, 1915.
c. 33, Private Laws, 1919.
c. 66, Private Laws, 1919.
c. 50, Private Laws, 1927.
c. 138, Private Laws, 1933.
c. 175, Public-Local Laws, 1937.
c. 83, Public-Local Laws, 1941.
c. 42, Session Laws, 1947.
c. 153, Session Laws, 1947.
c. 521, Session Laws, 1947.
c. 735, Session Laws, 1953.
c. 1127, Session Laws, 1955.
c. 172, Session Laws, 1957.
c. 605, Session Laws, 1957.
c. 1175, Session Laws, 1957.
c. 1326, Session Laws, 1957.
c. 784, Session Laws, 1959.
c. 785, Session Laws, 1959.
c. 786, Session Laws, 1959.

c. 787, Session Laws, 1959.
c. 788, Session Laws, 1959.
c. 789, Session Laws, 1959.
c. 790, Session Laws, 1959.

(b) The following Acts, which will be superseded by full application of the Judicial Department Act of 1965 to the County of Columbus, are hereby repealed effective on the first Monday in December, 1968:

c. 591, Public Laws, 1907.
c. 143, Public Laws, 1908, Extra Session.
c. 740, Public-Local Laws, 1915.
c. 667, Session Laws, 1953.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Whiteville, and all existing rules or regulations of departments or agencies of the City of Whiteville, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Whiteville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 980 **CHAPTER 807**

AN ACT TO REWRITE G. S. 90-65 RELATING TO THE POWER OF THE BOARD OF PHARMACY TO SUSPEND, REVOKE, OR REFUSE TO RENEW A PHARMACIST LICENSE OR A DRUG STORE PERMIT.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 90-65 be and the same is hereby rewritten to read as follows:

"G. S. 90-65. Denial, Suspension, Revocation or Refusal to Renew Pharmacist's License or Drug Store Permit.

"(A) The Board of Pharmacy may, after due notice and hearing, refuse to grant any license, or may suspend, revoke, or refuse to renew any license issued by it to any pharmacist or assistant pharmacist, or any permit to a physician to conduct a drug store in a village of not more than 800 inhabitants upon any of the following grounds:

"(1) Fraud or false representations made in connection with securing such license or any renewal thereof;

"(2) Being guilty of any felony or any offense involving moral turpitude if the felony or offense affects his fitness to practice pharmacy;

"(3) Habitual indulgence in the use of narcotic or other drugs or intoxicating liquors to such a degree as renders him unfit to practice pharmacy;

"(4) Fraud or false representation made in connection with the practice of pharmacy which endangers or is likely to endanger the health or safety of the public;

"(5) Gross immorality;

"(6) Physical or mental disability, when shown by affidavit or sworn testimony of three physicians that such conditions exist and the Board determines that it is in the interest of the public health and safety that the license should not remain in force, or be renewed, as the case might be;

"(7) Willful failure to comply with the laws governing the practice of pharmacy and the distribution of drugs;

"(8) Willful failure to comply with the rules and regulations of the Board of Pharmacy where such failure is found to endanger or is likely to endanger the health and safety of the public.

"(B) The Board of Pharmacy may, after due notice and hearing, refuse to grant any permit to any person or party for the operation of a drug store or pharmacy, or may suspend, revoke or refuse to renew the permit of any holder for the operation of any drug store or pharmacy upon the same grounds as stated in subsection (A).

"(C) Any license or permit or renewal thereof obtained through fraud or by any fraudulent or false representations shall be void and of no effect in law."

Sec. 2. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid such judgment shall not affect or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or provision thereof so found unconstitutional or invalid.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1106 CHAPTER 808

AN ACT TO AMEND CHAPTER 163 OF THE SESSION LAWS OF NORTH CAROLINA, 1963, RELATING TO THE ELECTION OF THE CITY COUNCIL IN THE CITY OF WASHINGTON.

The General Assembly of North Carolina do enact:

Section 1. Chapter 163 of the Session Laws of North Carolina, 1963, being the Charter of the City of Washington, is hereby amended by striking therefrom all of Article V, Election Procedure, as the same appears therein and substituting in lieu thereof a new Article V which shall read as follows:

"Article V. Election Procedure.

Sec. 5.1. Type Election—General Requirements. The regular municipal election for the members of the City Council of the City of Washington shall be held on the first Tuesday after the first Monday in May in the odd-numbered years as hereinafter provided. This regular municipal election shall be a nonpartisan election and the members of the City Council shall be elected by the qualified voters of the City voting at large.

Sec. 5.2. Filing of Candidates. Any qualified elector desiring to become a candidate for election to the City Council shall file with the City Clerk not later than 5:00 p.m. on the 11th day next preceding the day of the election written notice of his intention to be a candidate; such written notice shall be in the form that the City Council may require and shall state that the person signing the notice is a candidate for nomination as a member of the City Council and requests that his or her name be printed upon the official ballot. The names of the candidates for the City Council shall be listed on the ballot in the order in which they file notice of candidacy. Such notice of candidacy shall be accompanied by payment of a filing fee of ten dollars ($10.00) and there shall be no refund of any filing fee collected.

Sec. 5.3. Regular Municipal Election. The regular municipal election for members of the City Council shall be held on the first Tuesday after the first Monday in May in the odd-numbered years. Only the names of the persons who have paid their filing fees shall appear on the ballot for the general municipal election.

Sec. 5.4. No ballot for Councilmen shall be valid unless as many candidates shall be voted for as there are vacancies to be filled. If the elector desires to vote for a person whose name does not appear on the ballot, he can substitute the name by writing it in with a pencil or ink and making a cross (X) mark in the blank space at the left of the name so written in. When a name is written in on the official ballot, the new

name so written in is to be treated like any other name printed on the ballot. No sticker is to be used.

Sec. 5.5. In the regular municipal election the five persons receiving the highest city-wide vote shall be declared elected as members of the City Council, and there shall be no runoff or second election for such office. Polling places on election day will be open from 6:30 a.m. to 6:30 p.m.

Sec. 5.6. The Councilmen so elected shall take the oaths of office on the Monday next following their election.

Sec. 5.7. The Councilmen, immediately after taking their oaths of office, shall elect, from their own membership, a Mayor and a Mayor Pro Tempore, who shall serve for terms of two years.

Sec. 5.8. The City Council, during the month of March of each odd-numbered year, shall appoint a registrar and two poll holders for each precinct. Any vacancy occurring among the election officials shall be filled by the Mayor, or, in his absence, by the City Council; provided, that any vacancies occurring in any precinct on the day of the regular municipal election may be filled by the remaining election officials of such precinct.

Sec. 5.9. The City Clerk shall cause to be published in a newspaper having general circulation in the City, at least two weeks prior to the first day of registration, a notice stating the dates when the registration books will be open, the names of the registrars, the locations of the polling places, and the date of the regular municipal election.

Sec. 5.10. The registration books for the registration of voters shall be open for a period of 10 days, which period of time shall include and end with the second Saturday preceding the day of the regular municipal election. The registration books shall be open on each Saturday during the registration period at the respective polling places. On other days during the period, excluding Sunday, the registration books shall be open at the home or usual place of business of the respective registrar in each precinct. On each day of registration, the registration book shall be open from 9:00 a.m. until 5:00 p.m.

Sec. 5.11. Any person seeking to register must show that he has resided in the State for one year, and in the precinct in which he offers to register for 30 days next preceding the regular municipal election, and shall otherwise be qualified to vote for members of the General Assembly; provided that removal from one precinct in the City to another in the City shall not operate to deprive any otherwise qualified person of the right to register and vote in the precinct from which such person removed until 30 days after such removal.

Sec. 5.12. No registration shall be allowed on the day of the regular municipal election, provided that if any person shall give satisfactory evidence to the registrar and the poll holders that he has become qualified to register and vote since the time for registration ended, he shall be allowed to vote.

Sec. 5.13. Challenge Day shall be the second Saturday preceding the day of the regular municipal election, and the registration books shall be open at the polling place in each precinct on such day for the inspection of the electors and the challenging of any person registered. Challenges shall be heard and determined by the election officials as provided by the general law governing elections for members of the General Assembly.

Sec. 5.14. Determination of Tie Votes in Regular Municipal Elections. In case there shall be a tie in the vote in the regular municipal election for membership on the City Council, the tie shall be broken by vote of the Beaufort County Board of Elections, after two days' written notice to the persons affected.

Sec. 5.15. Determination of Disputes. In case of any dispute arising with respect to the election of any candidate for membership on the City Council or with respect to any matter pertaining to the holding of the regular municipal election, the same shall be heard and determined by the Beaufort County Board of Elections, under such rules and regulations as it may adopt and establish, not inconsistent with rules or regulations of the State Board of Elections. The Beaufort County Board of Elections is hereby given power to administer oaths, to subpoena witnesses and documents, and to do and perform any other thing which shall be necessary for the purpose of hearing and determining any matter which may come before it by reason of the provisions of this Section.

Sec. 5.16. The City Clerk of the City of Washington shall have the responsibility for publishing required election notices, custody of the notice of candidacy filed with the City Clerk, preparation of the ballots and performing all other duties and functions in connection with the regular municipal election, or any special election, as the City Council may direct.

Sec. 5.17. Special Elections. The conduct of all authorized special elections held in the City of Washington shall be governed by the provisions of the applicable general law.

Sec. 5.18. Bond Elections. The conduct of bond elections shall be governed by the provisions of general law relating to municipal bond elections."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1208 CHAPTER 809

AN ACT TO AUTHORIZE THE ASHE COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN PROPERTY TO THE TOWN OF JEFFERSON.

The General Assembly of North Carolina do enact:

Section 1. The Ashe County Board of Education is hereby authorized to convey without consideration to the Town of Jefferson the property no longer needed for educational purposes described below; provided, however, such conveyance shall provide for reversion of the property to said Board of Education if and when said town should ever cease to use said property for a proper public use:

"BEGINNING on an iron stake set in the North margin of South Street, said iron being located North 84 degrees 30 minutes East along

the said North margin of South Street, 91.00 feet from the intersection of the North margin of South Street with the East margin of Jail Street, and runs thence from the beginning, with the said North margin of South Street North 84 degrees 30 minutes East 95.00 feet to an iron; thence, leaving South Street and running the following new lines: South 6 degrees 30 minutes East 65.00 feet to an iron, South 84 degrees 30 minutes West 95.00 feet to an iron, and North 6 degrees 30 minutes West 65.00 feet to the BEGINNING; containing 6,175.00 square feet."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1212 CHAPTER 810

AN ACT AUTHORIZING THE TOWN OF HIGHLANDS TO CONVEY CERTAIN REAL PROPERTY AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Highlands is hereby authorized, in its discretion, to sell and convey to the U. S. Forestry Service at private sale without advertisement a parcel of land more particularly described as follows:

"All the land described in a deed from W. P. Hedden and wife Ruby Hedden and John Q. Hedden and wife Selma Hedden to the Town of Highlands, a Municipal Corporation, dated October 1, 1940, and recorded in the office of Register of Deeds for Macon County, North Carolina, in Deed Book F-5, page 59, lying and being in Highlands Township, Macon County, North Carolina, and containing 100 acres, be the same more or less."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1213 CHAPTER 811

AN ACT TO AMEND G. S. 163-175 (6) SO AS TO PROHIBIT SINGLE SHOT VOTING IN THE CITY OF CLINTON IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-175 (6) is amended by adding at the end of the second paragraph thereof the following:

"and to primary and general municipal elections in the City of Clinton in Sampson County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1219 **CHAPTER 812**

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF LA GRANGE TO ESTABLISH A RETIREMENT OR PENSION FUND FOR EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of La Grange is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries in the following cases:

(1) Retirement, because of age;

(2) Disability;

(3) Death.

Sec. 2. Such system shall include such officers and employees of the town as shall be determined by the governing body. The town shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal services rendered to the town by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the town prior to the establishment thereof, and the town may contribute the entire cost of benefits based on any such prior service. The governing body may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the governing body and the governing body shall appropriate each year sufficient revenue to provide for the expense of the administration.

Sec. 3. The system shall be maintained on a solvent actuarial reserve basis for all benefits beginning at its inauguration date, excepting the present value of benefits based on prior service.

Sec. 4. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than 40 years from the date of establishment of the system.

Sec. 5. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which the system is established. If such a retirement board or board of trustees is provided for, the said board shall consist of a member or members of the governing body, an employee or employees entitled to participate in the system, and one or more citizens of the town not officially connected with the town nor entitled to participate in the system.

Sec. 6. The town may provide for the payment of one or more of the benefits enumerated in Section 2 of this Act by contracting with the governing body of any other municipality or municipalities in the State, with the United States government or any of its agencies or departments, with the State of North Carolina or any of its agencies or departments,

or may contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such fund, or for the investment, care, or administration of such fund, or for any other service relating thereto.

The town or any other governing body, agency, insurance company, person, or corporation contracting with the town for the investment, care or administration of said system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as heretofore or hereafter amended, and by other State law, for the investment of assets of domestic life insurance companies.

Sec. 7. Nothing in this Act shall be construed so as to prohibit the town from providing or continuing to provide Old Age and Survivors' Insurance, or Social Security coverage for its officers and employees as the same may be authorized by Federal and State laws, either separately or in addition to the fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 9. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1228 CHAPTER 813

AN ACT TO AMEND CHAPTER 144 OF THE PUBLIC-LOCAL LAWS OF 1937, AS AMENDED, RELATING TO THE CIVIL SERVICE COMMISSION OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. Section 13 of Article XIV of Section 3 of Chapter 144 of the Public-Local Laws of 1937, as amended, is hereby further amended by changing the word "eighteen" to the word "twelve" in every place where the word "eighteen" appears in said Section.

Sec. 2. Section 22 of Article XIV of Section 3 of Chapter 144 of the Public-Local Laws of 1937, as amended, is hereby further amended by changing the word "eighteen" to the word "twelve".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1229 **CHAPTER 814**

AN ACT AMENDING G. S. 67-31(1) RELATING TO THE POWERS OF A DOG WARDEN SO AS TO PROVIDE THAT IN CUMBERLAND COUNTY THE SHERIFF AND HIS DEPUTIES SHALL SHARE THE DUTY AND RESPONSIBILITY OF ENFORCING LAWS RELATING TO DOGS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-31(1) is amended by adding at the end thereof the following:

"In Cumberland County the sheriff and his deputies shall have the power of arrest and, with the dog warden, be responsible for the enforcement within the county of all laws pertaining to the ownership and control of dogs."

Sec. 2. This Act shall apply only to Cumberland County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1235 **CHAPTER 815**

AN ACT AMENDING THE URBAN REDEVELOPMENT LAW RELATING TO THE CITY OF CHARLOTTE SO AS TO PERMIT DISPOSITION OF LAND ON BASES OTHER THAN THE HIGHEST MONETARY BID, WHERE SUCH DISPOSITION IS FOUND TO SERVE THE BEST INTEREST OF THE MUNICIPALITY. (APPLIES TO THE CITY OF DURHAM, ALSO.)

The General Assembly of North Carolina do enact:

Section 1. Section 160-464 (d) of the General Statutes of North Carolina is hereby amended by inserting the following at the end thereof:

"Regardless of the preceding provisions, the commission may reject the highest responsible bid and accept a lesser bid where it makes the following specific findings and where such findings are verified and approved by the governing body of the municipality after a public hearing advertised in accordance with the provisions of Section 160-463 (e):

"The general public welfare and proper development of the community will be better served by the bid which was accepted than by the higher bid or bids which were rejected, for one or more of the following reasons:

"(a) The proposed use or development of the land under the successful bid will result in an assessed valuation for ad valorem taxation greater than that of the use or uses proposed by the higher bidders;

"(b) The proposed use or development of the land under the successful bid will have a substantially greater beneficial effect upon neighboring property, the project area, and the community as a whole than the use or

uses proposed by the higher bidders and will tend to induce greater investment in the development of other property in the area;

"(c) The proposed use or development of the land under the successful bid will facilitate the relocation of persons or firms displaced by redevelopment projects to a substantially greater degree than the use or uses proposed by the higher bidders."

Sec. 2. This Act shall apply only to the City of Charlotte and to the City of Durham.

Sec. 3. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor of any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1237 CHAPTER 816

AN ACT TO MAINTAIN CERTAIN TAX LIENS OF THE TOWN OF CARRBORO.

WHEREAS, the corporate boundaries between the Towns of Carrboro and Chapel Hill have been redefined and redrawn by Chapters 410 and 411 of the 1967 Session Laws and some properties which were formerly wholly or partially within the corporate limits of the Town of Carrboro are now wholly within the corporate limits of the Town of Chapel Hill; and

WHEREAS, there are certain taxes assessed against certain of said properties prior to the year 1967 by the Town of Carrboro which remain unpaid: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the lien of the taxes levied by the Town of Carrboro prior to the year 1967 and on those real properties which were wholly or partially in the corporate limits of the Town of Carrboro and which by Chapter 411 of the 1967 Session Laws are now wholly within the Town of Chapel Hill shall remain subject to the lien of any taxes due the Town of Carrboro which were assessed against the said properties by the Town of Carrboro prior to the year 1967.

Sec. 2. The Town of Carrboro shall have the right to enforce its lien for any such unpaid taxes by any of the methods now provided by law for the collection of unpaid taxes within the corporate limits of the said town.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1247 **CHAPTER 817**

AN ACT TO APPOINT THE GOVERNING BODY OF THE TOWN OF GARYSBURG, NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Garysburg, Northampton County, shall consist of a Mayor and five Commissioners. W. E. Conwell, A. C. Wheeler, C. L. Joyner, Leroy I. Howell, J. A. Suiter, Jr. and R. Boyd Robinson are hereby appointed to the Board of Commissioners. One member of the Board of Commissioners shall be appointed Mayor by the Board of Commissioners as now provided by law. The persons herein appointed shall serve until the next regular municipal election and until their successors are elected and qualified.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

H. B. 1252 **CHAPTER 818**

AN ACT TO AUTHORIZE THE AVERY COUNTY BOARD OF EDUCATION TO CONVEY CERTAIN PROPERTY AT PRIVATE SALE TO THE AVERY COUNTY BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Avery County Board of Education is hereby authorized, in its discretion, to sell at private sale to the Avery County Board of County Commissioners for a price of not less than thirty thousand dollars ($30,000.00) certain property in Roaring Creek Township in Avery County, no longer needed for school purposes, and more fully described as follows:

"Those certain tracts or parcels of land containing nine and one-half acres, more or less, situate and being in Roaring Creek Township, Avery County, N. C., and being the identical land conveyed by Robert L. Cross, Jr. and wife, Nancy Pauline Cross to Harry Phillips and wife, Clara Phillips by deed dated May 1, 1951, which deed is of record in the office of the Register of Deeds, Avery County, in Book No. 47, page 405, to which reference is made for a full and complete description."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

S. B. 194 **CHAPTER 819**

AN ACT TO AMEND GS 14-90, SO AS TO MAKE EMBEZZLEMENT FROM ANY UNINCORPORATED ASSOCIATION OR ORGANIZATION A FELONY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-90 is hereby amended by inserting in line 12, immediately after the word "corporation", the following: "unincorporated association or organization".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 209 **CHAPTER 820**

AN ACT RELATING TO THE LEASING OF HOSPITAL FACILITIES TO NONPROFIT CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 131-126.20 as the same appears in the 1964 Replacement Volume of the General Statutes is hereby amended by adding the following sentence at the end of subsection (c) thereof:

"Such lease may be for such duration or term of years as the municipality may deem wise and expedient, but no such lease shall be deemed to convey a freehold interest."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 254 **CHAPTER 821**

AN ACT TO AMEND THE STATE PERSONNEL ACT TO ADD A CLEAR STATEMENT OF THE INDIVIDUAL RIGHT OF THE EMPLOYEE TO PARTICIPATE IN THE POLITICAL LIFE OF OUR STATE ON HIS OWN TIME, WHILE PROHIBITING ANY IMPROPER USE OF THE TIME OR INFLUENCE OF ANY EMPLOYEE OR OFFICIAL TO PERSUADE OR COERCE POLITICAL SUPPORT OR ACTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 126 of the General Statutes of North Carolina is hereby amended by adding a new Article 5 to read as follows:

"Article 5.

"Political Activity of Employees.

"§ 126-13. Appropriate Political Activity of State Employes Defined. As an individual, each State employee retains all the rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, no State employee subject to the Personnel Act or temporary State employee shall:

"(1) take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he is expected to perform services for which he receives compensation from the State;

"(2) otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in a partisan election involving candidates for office or party nominations, or affect the results thereof.

"§ 126-14. No State employee or official shall use any promise of personal preferential treatment or threat of loss to encourage or coerce any State employee subject to the Personnel Act or temporary State employees to support or contribute to any political issue, candidate, or party.

"§ 126-15. Failure to comply with this Article is grounds for disciplinary action which, in case of deliberate or repeated violation, may include dismissal or removal from office."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 388 CHAPTER 822

AN ACT TO AMEND THE VEHICLE FINANCIAL RESPONSIBILITY ACT OF 1957 (G. S. 20-309(e); G. S. 20-311) SO AS TO CLARIFY THE REGISTRATION REVOCATION PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-309(e), as same appears in Volume 1C, 1965 Replacement Volume of the General Statutes, is hereby amended by striking in line 15 thereof immediately following the word "been" the words "forwarded to the Department of Motor Vehicles" and inserting in lieu thereof the following: "surrendered to an employee or agent of the Department of Motor Vehicles who has been designated by the Commissioner for this purpose, or it has been deposited in the United States mail addressed to the Department of Motor Vehicles, Raleigh, North Carolina."

Sec. 2. G. S. 20-309(e), as same appears in Volume 1C, 1965 Replacement Volume of the General Statutes, is hereby amended by inserting in line 17 thereof immediately after the word "plate" and immediately before the word "and" the following words: "issued for the vehicle at the time

liability insurance was terminated or the current registration plate for the vehicle if the year registration has changed."

Sec. 3. G. S. 20-311, as same appears in Volume 1C, 1965 Replacement Volume of the General Statutes, is hereby amended by striking in line 5 thereof immediately following the word "revoke" the words "the registration of such vehicle" and inserting in lieu thereof the words "the owner's registration plate issued for the vehicle at the time of operation or certification that insurance was in effect or the current registration plate for the vehicle if the year registration has changed."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 471 CHAPTER 823

AN ACT TO PROVIDE FOR FILING CERTIFICATES OF INCORPORATION AND RELATED BUSINESS DOCUMENTS WITH THE REGISTER OF DEEDS; TO TRANSFER SUCH EXISTING RECORDS FROM THE OFFICES OF CLERKS OF THE SUPERIOR COURT TO THE OFFICES OF REGISTERS OF DEEDS; AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 2-26 is amended by deleting the words "Recording certificates of incorporation of corporations, three dollars." and by deleting the words "Recording corporation or amendment to corporate certificates ..... $3.00 first 4 pages, including certificate of Secretary of State plus 75¢ for each additional page or fractional page thereafter."

Sec. 2. G. S. 2-42(25) is deleted.

Sec. 3. G. S. 53-5 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 7 and 8 thereof, and by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 13 and 14 thereof.

Sec. 4. (1) G. S. 54-2(a) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 14 thereof, and by inserting the words "register of deeds" in lieu of the word "clerk" wherever it appears in lines 17, 18, 19 and 20 thereof.

(2) G. S. 54-2(b) is amended by inserting the words "register of deeds" in lieu of the words "clerk of court" in line 6 thereof.

(3) G. S. 54-2(c) is amended by inserting the words "register of deeds" in lieu of the words "clerk of court" in line 2 thereof.

Sec. 5. G. S. 54-6 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 2 thereof.

Sec. 6. (1) G. S. 54-11(3) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 10 thereof.

(2) G. S. 54-11(4) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 7 thereof.

Sec. 7. G. S. 54-12(4) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 2 and 3 thereof, and by inserting the words "register of deeds" in lieu of the words "clerk" and "clerk of the court" wherever they appear in lines 5, 7, and 15 thereof.

Sec. 8. G. S. 54-12.1(4) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 23 thereof.

Sec. 9. G. S. 54-78 is amended by inserting the words "register of deeds" in lieu of the words "clerk of superior court" in lines 18 and 19 thereof, and by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 21 thereof.

Sec. 10. G. S. 54-81 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 8 thereof, and by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 9 and 10 thereof.

Sec. 11. G. S. 54-92 is amended by inserting the words "register of deeds" in lieu of the words "clerk of superior court" in line 13 thereof.

Sec. 12. G. S. 54-114 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 7 thereof, and by inserting the words "register of deeds" in lieu of the words "clerk of court" in line 10 thereof.

Sec. 13. G. S. 54-115 is amended by deleting the last sentence.

Sec. 14. G. S. 54-125 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the court" in line 10 thereof.

Sec. 15. G. S. 54-162(a) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 4 and 5 thereof.

Sec. 16. (1) G. S. 55-4(a) (6) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 3 thereof, and by inserting the words "register of deeds" in lieu of the word "clerk" in line 7 thereof.

(2) G. S. 55-4(b) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 6 thereof.

Sec. 17. G. S. 55-14(e) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 16 thereof, and by inserting the words "register of deeds" in lieu of the word "clerk" in line 20 thereof.

Sec. 18. G. S. 55-109(a) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 5 thereof.

Sec. 19. G. S. 55-129 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 4 and 5 thereof, and is amended in lines 5 and 6 by deleting the words and punctuation ", unless the decree or order was entered in that court".

Sec. 20. G. S. 55-155(c) is amended by inserting the words "register of deeds" in lieu of the words "clerk of superior court" in line 2 thereof, and by inserting "G. S. 161-10" in lieu of "G. S. 2-26" in line 3 thereof.

Sec. 21. (1) G. S. 55A-4(a) (6) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in

lines 1 and 2 thereof, and by inserting the words "register of deeds" in lieu of the word "clerk" in line 5 thereof.

(2) G. S. 55A-4(b) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 6 thereof.

Sec. 22. G. S. 55A-41(a) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 4 and 5 thereof.

Sec. 23. G. S. 55A-56 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 4 and 5 thereof, and is amended in line 6 by deleting the words and punctuation ", unless the decree or order was entered in that court".

Sec. 24. G. S. 55A-77(c) is amended by inserting the words "register of deeds" in lieu of the words "clerk of superior court" in line 2 thereof, and by inserting "G. S. 161-10" in lieu of "G. S. 2-26" in line three thereof.

Sec. 25. G. S. 57-19 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 6 and 7 of the ninth paragraph thereof, and by inserting the words "registers of deeds" in lieu of the words "clerks of the superior courts" in line 9 of the ninth paragraph thereof.

Sec. 26. G. S. 59-2(a) (2) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 1 and 2 thereof.

Sec. 27. (1) G. S. 59-25(d) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 2 and 3 thereof.

(2) G. S. 59-25(e) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 2 thereof.

Sec. 28. G. S. 66-68(a) is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 6 and 7 thereof.

Sec. 29. G. S. 66-69 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in lines 1 and 2 thereof, and by deleting the last sentence.

Sec. 30. G. S. 66-69.1 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 2 thereof.

Sec. 31. G. S. 105-230 is amended by inserting the words "register of deeds" in lieu of the words "clerk of superior court" in line 19 thereof; by inserting the words "register of deeds" in lieu of the word "clerk" in line 21 thereof; and by inserting the word "register's" in lieu of the word "clerk's" in line 21 thereof.

Sec. 32. G. S. 117-12 is amended by inserting the words "register of deeds" in lieu of the words "clerk of the superior court" in line 8 thereof.

Sec. 33. G. S. 161-10 is amended by deleting the words and punctuation "or transcript and certificate of limited partnership, fifty cents." and inserting in lieu thereof the words and punctuation "Recording certificates or amendments of corporations, limited partnerships and associations, two dollars ($2.00) for the first page, which page shall not exceed fourteen inches in length, plus one dollar ($1.00) for each additional page or fraction thereof, including the certificate of the Secretary of State."

Sec. 34. It is the intent of this Act to establish the office of the register of deeds as the filing office for all of the corporate and related documents now required to be filed with the clerk of the superior court and to transfer all of the duties relating thereto from the clerk of the superior court to the register of deeds. To this end, all relevant Sections of the General Statutes of North Carolina not specifically amended by Sections 1 through 33 of this Act are hereby amended to the same effect.

Sec. 35. All of the existing records now in the offices of the clerks of the superior court and kept pursuant to the Sections of the General Statutes of North Carolina amended by this Act shall be transferred from the offices of the clerks of the superior court to the offices of the registers of deeds.

Sec. 36. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 37. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 475

CHAPTER 824

AN ACT TO AMEND GENERAL STATUTE 58-59(c) RELATING TO INSURANCE PREMIUM FINANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. General Statute 58-59(c) is hereby amended by striking out the words "are to" in line 16 thereof and inserting in lieu thereof the word "may".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 477

CHAPTER 825

AN ACT TO AMEND GENERAL STATUTE 58-60(5) RELATING TO INSURANCE PREMIUM FINANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. General Statute 58-60(5) is hereby amended by striking out the words "and agent" after the word "insured" and immediately before the comma in line 8 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 509 **CHAPTER 826**

AN ACT TO REPEAL G. S. 160-13, G. S. 160-14, G. S. 160-15, AND G. S. 160-16, RELATING TO MAYOR'S COURTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-13, G. S. 160-14, G. S. 160-15, and G. S. 160-16 are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective in accordance with the following schedule:

(a) Upon its ratification, in those counties comprising the first, the twelfth, the fourteenth, the sixteenth, the twenty-fifth, and the thirtieth judicial districts;

(b) On the first Monday in December, 1968, in those counties comprising the second, the third, the fourth, the fifth, the sixth, the seventh, the eighth, the ninth, the tenth, the eleventh, the thirteenth, the fifteenth, the eighteenth, the twentieth, the twenty-first, the twenty-fourth, the twenty-sixth, the twenty-seventh, and the twenty-ninth judicial districts;

(c) On the first Monday in December, 1970, in those counties comprising the seventeenth, the nineteenth, the twenty-second, the twenty-third, and the twenty-eighth judicial districts.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 556 **CHAPTER 827**

AN ACT TO GIVE THE CONSENT OF THE STATE OF NORTH CAROLINA TO THE CESSION OF CONCURRENT JURISDICTION TO THE UNITED STATES OVER LAND WHICH IS TO CONSTITUTE THE SITE OF THE PSYCHIATRIC HOSPITAL OF THE FEDERAL BUREAU OF PRISONS AT BUTNER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Concurrent jurisdiction in and over any lands acquired by the United States as the site of a psychiatric hospital in Granville and Durham Counties shall be, and the same is hereby, ceded to the United States for all purposes, but the concurrent jurisdiction so ceded shall not affect the service upon such site of all civil and criminal process of the courts of this State, and shall continue no longer than the said United States shall own such lands. The land which is the subject of this cession of concurrent jurisdiction to the United States consists of 769.88 acres of land, more or less, located in part in Granville County and in part in Durham County, and is described in a deed of conveyance between the State of North Carolina to the United States of America, dated December 18, 1963, and recorded in the office of the Register of Deeds in Durham County in Book 308, at page 431, and also recorded in the office of the Register of Deeds of Granville County in Book 164, at page 23.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 586 CHAPTER 828

AN ACT TO REVISE AND REWRITE THE CHARTER OF THE TOWN OF BESSEMER CITY IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the present Town of Bessemer City, in the County of Gaston, State of North Carolina, shall continue to be and constitute a body politic incorporated within the boundaries as established in Section 3 of this Charter, or as hereafter established in the manner provided by law, may have and use a corporate seal, and shall have perpetual succession and shall be a City under the name and style of "Bessemer City" and as such shall have all franchises, powers, property, and rights of property, privileges and immunities which now belong to the Town of Bessemer City under this or any other name or names and shall be subject to all its present liabilities; and, under this name shall have, acting through its City Council, among other things, power to make and provide for the execution of such ordinances for Bessemer City as they may deem proper, not inconsistent with the laws of the land, and Bessemer City shall have, in addition to the power now or hereafter granted to municipalities under the general law of the State of North Carolina, and is specifically granted, the following powers:

(1) Those prescribed by Statute and those necessarily implied by law;

(2) To sue or be sued;

(3) To acquire and hold such estates for municipal purposes as may be devised, bequeathed, sold, leased, purchased, or in any manner conveyed to it involuntarily or by condemnation, both within or without its corporate limits;

(4) To manage, invest, sell, lease, or dispose of such estates, as shall be deemed advisable by the proper authorities of Bessemer City and in conformity with this Charter and the laws of North Carolina;

(5) To contract or be contracted with;

(6) To levy, assess, and collect such taxes and special assessments as are authorized by law;

(7) To purchase, hire, construct, own, maintain, and operate or lease local public utilities and to furnish local public services both within and without the corporate limits of Bessemer City and to grant public utility franchises and to regulate the exercise thereof;

(8) To condemn land required for any governmental purpose, both within and without the corporate limits, and in such excess as may be required to protect or preserve same, under the same procedure as now or hereafter provided in Chapter 40, Eminent Domain, Article 2, General Statutes of North Carolina;

(9) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the City, or of the revenue thereof, or of

both, including the case of a public utility, if deemed desirable by the City, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(10) To adopt and enforce within its corporate limits and within one mile thereof police, sanitary, and other police power regulations not inconsistent with the General Statutes of North Carolina and all amendments thereto, including extraterritorial zoning authority as authorized by North Carolina G. S. 160-181.2, which is hereby declared to be applicable to Bessemer City. North Carolina G. S. 160-181.2 is hereby amended by adding the following language to the last paragraph: "Provided, however, that this Section shall apply to Bessemer City in Gaston County."

(11) To borrow money within the limits prescribed by law;

(12) To appropriate the money of the City for all lawful purposes;

(13) To make and set the rate or charges for furnishing water or other local public utilities supplied by Bessemer City. Deposits may be required in connection with any installation or service, and the same shall not draw any interest;

(14) To provide for the payment of existing legal indebtedness and of any binding obligation that may be made from time to time by the City and to appropriate funds and levy taxes for that purpose;

(15) To pass ordinances for the due observance of Sunday and for maintenance of order in the vicinity of churches, schools, and public buildings;

(16) To own, establish, regulate and operate one or more cemeteries and to regulate the burying of the dead;

(17) To prescribe fines, forfeitures, and penalties for the breach of any ordinance enforcing the powers granted in this Charter or by general law and to provide for recovery of such fines and forfeitures and cost of enforcement of such penalties;

(18) To pass such ordinances as are expedient for maintaining peace, good government, and the welfare of the City and the morals and happiness of its citizens, and for the performance of all municipal functions;

(19) To own, operate, maintain, or cease to maintain, parks, hospitals, auditoriums, swimming pools, community centers, playgrounds, stadiums, athletic parks and fields, and such other facilities for the benefit and welfare of its citizens and to finance same out of tax revenue or any portion of the general fund; provided, however, the City Council shall not appropriate more than ten per cent (10%) of the gross tax receipts during any fiscal year for these purposes;

(20) To require that all property owners provide adequate drainage facilities to the end that their premises be kept free of standing water and permit the natural flow of water thereon to be taken care of, and that in case of failure on the part of such owner or owners to provide the same, after due notice, to go upon their premises and construct the necessary facilities and charge the costs thereof against said premises to be collected as in the case of taxes;

(21) To control, regulate, or prohibit the licensing and operating of junk yards and auto wrecking companies in the City of Bessemer City;

(22) To issue and sell bonds of the City for the purposes and according

to the methods prescribed in the laws of the State of North Carolina for the issuance of bonds by municipalities in any amount deemed appropriate by the City and to provide for the payment thereof as authorized or provided by such laws;

(23) To do and perform all other duties and powers authorized by law;

(24) To require all inhabitants to use the sanitary sewer system of the City if same are available, and to prohibit the continued use of septic tanks if City sewerage is available.

No liability shall accrue to Bessemer City for the failure of said City or its officers and employees to perform any duty or exercise any power above enumerated.

Except as otherwise provided in this Act, or the laws of North Carolina, the City Council shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. The enumeration of particular powers, rights, privileges, franchises, and immunities by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated or implied therein, or appropriate to the exercise thereof, the City shall have and may exercise all other powers which under the Constitution and law of North Carolina are now granted or may be granted in the future to municipalities. The powers herein granted are in addition to and not in substitution for existing powers or powers hereafter granted to municipal corporations under the Constitution and law of North Carolina. Except as limited or restricted or prohibited by the Constitution of North Carolina or this Charter, Bessemer City shall have and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever. All ordinances of the Town of Bessemer City that are in effect upon the ratification of this Act shall continue in full force and effect until amended or repealed by the City Council of Bessemer City.

Sec. 3. The corporate limits of Bessemer City shall be identical to the corporate limits now in existence. The City Manager, if any, or Mayor shall at all times maintain a map in his office showing the boundary lines of the corporate limits of Bessemer City and this shall be open to inspection to any person at any time during normal business hours. Provided, however, that Bessemer City shall have authority to extend its corporate limits in any fashion as provided for by the law of North Carolina.

Sec. 4. Except as otherwise provided for in this Charter, all powers and the general management and control of Bessemer City shall be vested in a City Council of six members and a Mayor elected by and from the qualified voters of the City of Bessemer City in the manner hereinafter provided, who shall exercise their power or powers in conformity to the provisions in this Charter and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Charter with respect thereto.

Sec. 5. The terms of office for all elected officials shall be for two years and until their successors are elected and qualified. Only qualified voters of the State of North Carolina and of Bessemer City shall be eligible to hold such offices. A vacancy shall exist when an elected officer shall fail, without good cause, to qualify within 30 days after his election, shall die, resign, remove himself from Bessemer City, be convicted of, or submit

to, a felonious charge, be judicially declared a lunatic, or be removed for cause by a court of competent jurisdiction, or by operation of law. Every such vacancy shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the City Council in regular or special meeting. The City Council shall have authority to fill any vacancy resulting from a failure of candidates filing.

Sec. 6. Upon ratification of this Act, the Board of Town Commissioners shall be known as the City Council, and the City Council and present Mayor shall continue in such office until the first Monday in July, 1967.

Sec. 7. On the first Monday in July, 1967, at 9:00 a.m. and biennially thereafter, the newly elected Mayor and members of the City Council shall meet at its usual place for holding its meetings in the City Hall in Bessemer City and the newly elected Mayor and members of the City Council shall take their oath of office and assume the duties of their office. Thereafter the City Council shall fix suitable times for its regular meetings by resolution or ordinance and shall convene for at least one regular meeting each month. The Mayor, or in the absence of the Mayor the Mayor Pro Tempore, or a majority of the City Council may at any time call a special session of the City Council by causing written notice of such special meeting to be given to all members of the governing body at least 24 hours before such special meeting. Meetings may also be held at any time the Mayor and all members of the City Council are present or consent thereto. A majority of the City Council shall constitute a quorum; in determining whether a quorum is present, the Mayor shall be counted as a member of the City Council. All meetings shall be public, and the Mayor, who shall be the official head of the City, shall preside, if present, but shall have no vote except in the case of a tie. A majority of the members present shall be sufficient to pass any motion, resolution, or ordinance unless otherwise set out herein. In the absence of the Mayor, the Mayor Pro Tempore, who shall be chosen at the first regular meeting following the regular municipal election by the City Council from its members, shall preside and shall vote when so presiding as herein provided for the Mayor, and in the absence of both, a Chairman Pro Tempore shall be chosen to preside at such meeting. The Clerk shall speak first to the governing body and shall keep records of the meeting. The governing body shall sit with open doors at all of its legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

Sec. 8. The City Council shall be the judge of the elections and qualifications of its members and the Mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the City Council in any case shall be subject to review by the court. The City Council shall determine its own rules and order of business.

Sec. 9. The City Council of Bessemer City, in its discretion, is authorized and empowered to appoint a City Manager, whose duties shall be as set forth in North Carolina G. S. 160-349; however, the City Manager shall not have any authority to hire or fire the City Clerk, City Attorney, Solicitor or Chief of Police. Said City Manager shall hold office at the

will and pleasure of the City Council, and shall receive such compensation as fixed by the Council.

Sec. 10. The salaries and compensation of the officers and employees of the City shall be fixed by the City Council and they shall perform such duties as may be required of them by the City Manager or City Council.

Sec. 11. The City is hereby divided into six wards, being described as follows:

Ward 1: BEGINNING at the intersection of Virginia Avenue and 12th Street and running westerly along said Avenue to Skyland Avenue; thence continuing westerly a straight line to where the northerly line of the City limits is intersected by Highway No. 1403 commonly known as Ramseur Road; thence easterly along the northerly City limits line to Highway No. 1448; thence southerly along said Highway and 12th Street to the BEGINNING.

Ward 2: BEGINNING at the intersection of Mickley Avenue and the southerly line of the City limits and running westerly along said City limits line to the southwesterly corner of the City limits line; thence northerly along the City limits line to the northwesterly corner of the City limits line; thence easterly along the City limits line to where it is intersected by Highway No. 1403; thence easterly a straight line to the westerly end of Virginia Avenue in the Mountain Road; thence southerly along the Mountain Road to Mickley Avenue; thence southerly along Mickley Avenue to the BEGINNING.

Ward 3: BEGINNING at the intersection of Virginia Avenue and 12th Street and running southerly along 12th Street to the southerly City limits line; thence westerly along the City limits line to Mickley Avenue; thence northerly along Mickley Avenue to the Mountain Road; thence northerly along the Mountain Road to the westerly end of Virginia Avenue; thence easterly along Virginia Avenue to the BEGINNING.

Ward 4: BEGINNING at the intersection of Virginia Avenue and 12th Street and running easterly along Virginia Avenue to 8th Street; thence southerly along 8th Street to the southerly City limits line; thence westerly along the City limits line to 12th Street; thence northerly along 12th Street to the BEGINNING.

Ward 5: BEGINNING where the southerly City limits line is intersected by 8th Street and running northerly along 8th Street to the northerly end of the street and continuing northerly a straight line to the northerly City limits line; thence easterly along the City limits line to the northeasterly corner of the City limits line; thence westerly along the southerly City limits line to the BEGINNING.

Ward 6: BEGINNING at the intersection of 8th Street and Virginia Avenue and running westerly along Virginia Avenue to 12th Street; thence northerly along 12th Street and Highway No. 1448 to the northerly City limits line; thence along the old and new City limits line to a point in the City limits line northeasterly from the northerly end of 8th Street; thence a straight line along 8th Street in a southerly direction to the BEGINNING.

Sec. 12. The qualified voters of the City, voting at large, shall elect one Councilman from each of the six wards. Each voter in the City shall be entitled to vote for one candidate from each ward, and the candidate

from each ward who receives the largest number of votes cast for Councilman from his ward shall be declared elected. Regular elections shall be held on the last Monday in June of each odd-numbered year.

Sec. 13. G. S. 160-31, insofar as it requires a separate polling place in each ward, shall not apply to Bessemer City. The City Council shall establish one polling place. There shall be one ballot prepared.

Sec. 14. Any qualified elector of the City who has been a resident of the ward from which he or she is elected for at least four months prior to election shall be eligible to serve as City Councilman. If a vacancy occurs on the Council by reason of the death of a member, or if a member moves from the ward from which he has been elected, the vacancy shall be filled by the remaining members of the Council, who shall elect some qualified person of the ward in which the vacancy occurred.

Sec. 15. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances shall be confined to one subject, and the subject, or subjects of all ordinances making appropriations shall be confined to the subject of appropriations. The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the City Council. The enacting clauses of all ordinances shall be: "Be it ordained by the City of Bessemer City:". All ordinances and resolutions passed by the City Council shall take effect at the times indicated therein.

Sec. 16. Upon its passage each ordinance or resolution shall be authenticated by the signature of the City Clerk, and shall be recorded in a journal kept for that purpose. Within 10 days after passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the City Council may prescribe; provided, however, that the provisions of this Section shall not apply to an ordinance authorizing bonds to the City of Bessemer City under the provisions of the Municipal Finance Act, 1921, as amended, but such ordinances shall be published as required by Section 160-384 of the General Statutes.

Sec. 17. That for the purpose of electing a Mayor, the several Councilmen and all other elective officers of the City of Bessemer City, there shall be held in said City, on the last Monday in June, 1967, and biennially thereafter, a regular municipal election. The City Council may, by resolution, order a special election, fix the time for holding the same, and provide all means for holding such special election, including rules and regulations governing registration of voters.

Sec. 18. Any qualified voter of Bessemer City who desires to become a candidate for the office of Mayor or City Councilman shall file a notice of his candidacy, together with a filing fee of five dollars ($5.00) with the City Clerk, not less than 15 days prior to the day of the election. No person's name shall be placed upon the general municipal election ballot unless he has complied with the conditions herein set out. Each qualified elector who desires to become a candidate shall file, with the City Clerk, a statement of such candidacy, in substantially the following form, which shall be furnished by the City Clerk:

"STATE OF NORTH CAROLINA CITY OF BESSEMER CITY
COUNTY OF GASTON NOTICE OF CANDIDACY

I, ..., hereby certify that I reside at ..... Street, Ward No. ....., Bessemer City, County of Gaston, State of North Carolina, and that I qualify in all respects as a candidate for municipal office in the City of Bessemer City.

I hereby give notice that I am a candidate for election for the office of Mayor, City Council (strike one) to be voted upon in the municipal election for the City of Bessemer City to be held on ....., the ..... day of ....., 19.....

I hereby request that my name be printed on the official ballot as a candidate for the office of Mayor, Councilman (strike one).

.....(signed)

.....(date)

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, ..., a Notary Public, do hereby certify that ..... personally appeared before me this day and acknowledged the due execution of the foregoing Notice of Candidacy for elective office in the City of Bessemer City.

Witness my hand and notarial seal, this ..... day of ....., 19.....

.....(SEAL)

Notary Public

My commission expires: .....

(Place Notary Public Seal here)

This Notice of Candidacy for the office of Mayor, Councilman (strike one) of the City of Bessemer City together with the filing fee of five dollars ($5.00), were filed with the undersigned City Clerk on this ..... day of ....., 19.....

.....(SEAL)

City Clerk"

Any candidate may withdraw his statement of candidacy not later than the last day for filing such statement but shall forfeit his filing fee, said filing fees to be applied to the expenses of the City.

The City Clerk shall preserve the name and address of each candidate and each Notice of Candidacy until the expiration of the term of office to which the candidate aspired or was elected.

Sec. 19. The full names of all candidates for Mayor and all candidates for the City Council, except such as have withdrawn, died, or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without party designation. Provided, however, a candidate may use a nickname in filing his Notice of Candidacy and said nickname shall be used on the official ballot provided the use of said nickname on the ballot is in compliance with the general election laws for the State of North Carolina. There shall be printed as many sets of ballots as there are candidates for the City Council. Each set of ballots shall begin with the name of a different candidate, the other names being arranged

thereafter in alphabetical order commencing with the name next in alphabetical order after the one that stands first upon such set of ballots. When the last name is reached in alphabetical order, it shall be followed by the name that begins with the first letter represented in the list of names of the candidates and by the others in regular alphabetical order. Provided, however, the City Council may provide the order in which the names of the candidates shall appear on the ballots.

Sec. 20. Each Councilman shall receive a salary of three hundred dollars ($300.00) per year during his term in office, payable semiannually, and the Mayor shall receive a salary of five hundred dollars ($500.00) per year during his term in office, payable semiannually.

Sec. 21. Said election shall be conducted as far as possible in all things and in all details in accordance with the general election laws pertaining to municipal elections and particularly in accord with Article 3 of Chapter 160 of the General Statutes of North Carolina. However, where the General Statutes of North Carolina hereinbefore referred to are in conflict with any provision in this Charter, then and in that event said provision of this Charter shall supersede the general laws of North Carolina.

Sec. 22. The City Council may appoint a Treasurer, a Tax Collector, an Accountant, a City Attorney, a Chief of Police, a Fire Chief, a Judge and Vice Recorder of the Municipal Recorder's Court, Solicitor and Assistant Solicitor of the Municipal Recorder's Court, and a Clerk of the Recorder's Court, none of whom need be a resident of the City or of Crowder's Mountain Township; provided, that the City Council may appoint one person to fill any two or more such positions, save and except for the position of Judge of the Municipal Recorder's Court and Solicitor of the Municipal Recorder's Court. Such employees or officers shall serve at the pleasure of the City Council. The City Council shall fix all salaries for these officers and employees and all other employees, prescribe bonds, and require such oaths as they may deem necessary.

Sec. 23. The City Council may choose a City Clerk; and a Deputy City Clerk, whose powers shall be identical to the City Clerk's. The City Clerk shall keep the records of the City Council and perform such other duties as may be required by law or the City Council. The City Clerk may hold one or more of the positions enumerated in Section 22.

Sec. 24. The Recorder's Court of the City of Bessemer City, as authorized by Chapter 64 of the Private Laws of North Carolina, 1933, shall continue in existence and in operation with the identical powers, rights, and jurisdiction previously held by and conferred upon it prior to the ratification of this Charter so long as said prior powers and Acts do not conflict with this Charter. Specifically, the provisions of Chapter 1070 of the 1959 Session Laws of North Carolina and Chapter 224 of the 1959 Session Laws of North Carolina shall continue in full force and effect.

Sec. 25. The duties of the Clerk of the Recorder's Court shall be the same as are authorized by the General Statutes of North Carolina.

Sec. 26. Before making any purchase or contract for supplies, materials, equipment or contractual services, opportunity shall be given for competition, under such rules and regulations and with such exceptions as the City Council may prescribe by ordinance. All expenses for supplies,

materials, equipment or contractual services involving more than two thousand five hundred dollars ($2,500.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 27. Any City improvement costing more than three thousand five hundred dollars ($3,500.00) shall be executed by contract except where such improvement is authorized by the City Council to be executed directly by a City Department in conformity with detailed plans, specifications, and estimates. All such contracts for more than three thousand five hundred dollars ($3,500.00) shall be awarded to the lowest responsible bidder, after such notice and competition as may be prescribed by ordinance, provided the City Council shall have the power to reject any or all bids and exercise their discretion in the selection of a bid.

Sec. 28. The City Council shall order an independent audit made of all accounts of the City government by a Certified Public Accountant selected by the City Council and said Accountant shall have no personal interest directly or indirectly in the financial affairs of the City government or its officers. This audit shall be made annually at the end of the fiscal year. The City Council shall have the authority to order an independent audit at any other time they should so desire. The annual audit herein provided for shall be made available for public inspection at the office of the City Clerk.

Sec. 29. It shall be the power of the City of Bessemer City and the duty of the City Council in the City of Bessemer City, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the City, including the payment of all lawful indebtedness of said City and shall levy and collect the same in accordance with the provisions as now or may hereafter exist under the general laws of the State of North Carolina; and said City shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may now or hereafter be granted said City. Also, it may levy and collect such privilege and license taxes as may be provided by law in the ordinances of the City of Bessemer City.

Sec. 30. The City Council shall have authority to revoke Sections 11, 12, and 14 of this Charter by appropriate resolution to the end that all members of the City Council shall be elected from the City as a whole. The Council is hereby allowed until September 1 of each year in which to adopt a financial budget for the next year.

Sec. 31. Before any person, firm, or corporation shall connect in any manner, except a sewer or water lateral from the meter to the premises, any privately owned water or sewer line or lines with any water or sewer line or lines of the City of Bessemer City, such person, firm, or corporation shall, by proper instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant, and convey such water or sewer line or lines to Bessemer City whether such connection and line or lines be within or without the City of Bessemer City. No connection to any water or sewer line or lines or any other local public

utility shall be made without the express approval of the City, nor shall such connection be effected except by the forces or employees of the City of Bessemer City, for which a reasonable charge may be made. Should any person, firm, or corporation connect any privately owned water or sewer line or lines with any City water or sewer line or lines without first dedicating, giving, granting, and conveying same to the City, the act of connecting such water or sewer line or lines to the water or sewer line or lines of the City of Bessemer City shall be conclusively deemed and held to be a dedication, gift, grant, and conveyance of such water or sewer line or lines to the City of Bessemer City; provided that the City of Bessemer City may enter into contracts, when authorized by a majority of the whole City Council, with any person, firm, or corporation whereby sewer or water lines may be laid within or without the City and connected to the system of said City under such terms as may be agreed upon, notwithstanding any provisions of this Section.

Sec. 32. That all records and accounts in every office and department of the City shall be open for inspection by any citizen or representative of the press at all reasonable times and under reasonable regulations established by the City Council, except records of documents the exposure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 33. That every officer of the City shall before entering upon the duties of his office take and subscribe to the following oath or affirmation, to be filed with and kept by the office of the City Clerk: "I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of North Carolina, and that I will, in all respects, observe the provisions of the Charter and the ordinances of the City of Bessemer City and will faithfully discharge the duties of the office of .....

.....(SEAL)

Signature

I, ..., a person empowered to administer oaths, do hereby certify that ..... personally appeared before me this day and acknowledged the due execution of the foregoing oath, being by me first duly sworn.

Witness my hand and seal, this ..... day of ....., 19.....

.....

Signature of Person Administering Oath"

Sec. 34. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws of the Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Sec. 35. The City Council shall have a right to require a surety bond, in any amount they shall deem sufficient, from any officer or employee of the City who shall handle public funds.

Sec. 36. The City Council shall have authority to enact any reasonable ordinances regulating air pollution. These ordinances shall have full force and effect within the City of Bessemer City and for a radius of one mile of the corporate limits of said City.

Sec. 37. All ordinances of the City of Bessemer City not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended, or repealed by the City Council.

Sec. 38. All laws and clauses of laws in conflict with this Act and Charter are hereby repealed and specifically any provision, Charter, or amendment thereto to the City of Bessemer City in conflict are specifically repealed. No such repeal shall effect any act done or any right accruing or accrued or established or any suit had or commenced in any case before the time when such appeal shall take effect; provided, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law; provided, that all persons who at the time that said repeal shall take effect shall hold any office under any of the Acts hereby repealed shall continue to hold the same according to the tenure thereof, except those as to which a different provision shall have been made by this Charter.

Sec. 39. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Charter but shall be confined in its operation to the clause, phrase, Section, subsection, or sentence affected and declared invalid or unconstitutional.

Sec. 40. It shall be the duty of the Mayor to attend all meetings when possible and to faithfully discharge the duties of his office.

Sec. 41. The City Council is hereby authorized and empowered to reimburse any City official for expense incurred while upon official business previously authorized by the City Council upon the submission by said person of an itemized expense account.

Sec. 42. This Act shall apply only to the City of Bessemer City in Gaston County.

Sec. 43. This Charter shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 615 CHAPTER 829

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF EDGECOMBE COUNTY TO FIX THE NUMBER OF SALARIED COUNTY EMPLOYEES, TO FIX THE COMPENSATION OF COUNTY OFFICIALS AND EMPLOYEES AND TO FIX THE FEES OF COUNTY OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-48.5, as the same appears in the 1965 Cumulative Supplement to Volume 3C, is amended by inserting after the word "Davie" and before the word "Graham" in the fourth line of said Section the word "Edgecombe,".

Sec. 2. Subsection 12a of G. S. 153-9, as the same appears in the 1965 Cumulative Supplement to Volume 3C, is hereby amended by inserting the word "Edgecombe," following the word "Columbus" and before the word "Forsyth" in the sixteenth line of said subsection 12a.

Sec. 3. That the provisions of subsection 3 of G. S. 153-48.3 as the same appear in Volume 3C of the General Statutes of North Carolina shall not be applicable to the Sheriff of Edgecombe County, the Deputy Sheriffs or other employees of the Sheriff's Department.

Sec. 4. That the provisions of subsection 4 of G. S. 153-48.3 as the same appear in Volume 3C of the General Statutes of North Carolina shall not be applicable to the Sheriff of Edgecombe County, the Deputy Sheriffs or other employees of the Sheriff's Department, until July 1, 1968.

Sec. 5. That all local laws and clauses of local laws fixing the salary of the Sheriff of Edgecombe County, fixing the number of deputies and employees of the Sheriff's office, and fixing the salaries or compensation of such deputies or other employees are hereby repealed.

Sec. 6. The Board of Commissioners of Edgecombe County is authorized and empowered in its discretion to place any of its elective officials, who are now receiving compensation on a fee basis, on a fixed salary basis, in lieu of such fees, and the fees which would otherwise have been collected and retained by said officers shall be collected, accounted for and paid by said officers into the General Fund of Edgecombe County.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 619 CHAPTER 830

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE CITY OF GASTONIA TO DETERMINE WHETHER WINE AND BEER MAY BE LEGALLY SOLD AND ALCOHOLIC BEVERAGE CONTROL STORES OPERATED IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Gastonia is hereby authorized, in its discretion, to call a special election to be held on the question of whether wine and beer may be legally sold in the City of Gastonia for off-premise consumption and Alcoholic Beverage Control Stores operated in said city. The city council may call the special election to be held on such date as it may determine. The cost of the special election shall be paid from the general fund of the city.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the City of Gastonia.

Sec. 3. In the event said special election is called by the city council, the ballot shall contain the following proposition: "For the legal sale of beer and wine for off-premise consumption, and the establishment and operation of Alcoholic Beverage Control Stores in the City of Gastonia", "Against the legal sale of beer and wine for off-premise consumption, and the establishment and operation of Alcoholic Beverage Control Stores in the City of Gastonia".

Sec. 4. If a majority of the votes cast in such election shall be for the legal sale of beer and wine for off-premise consumption and the establishment and operation of Alcoholic Beverage Control Stores in the City of Gastonia, then the City Council of the City of Gastonia shall issue only "off-premises" license to sell beer and/or wine as defined in G. S. 18-64, as provided in Chapter 18 of the General Statutes, notwithstanding any public, special, local or private act to the contrary whether passed before or after the ratification of this Act; and it shall then be legal for Alcoholic Beverage Control Stores to be set up and operated in the City of Gastonia, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the City of Gastonia under the provisions of this Act.

Sec. 5. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall within three months from the canvassing of such votes and the declaration of the results thereof, close said stores and shall thereafter cease to operate the same and within said three months the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and the same be deposited in the general fund of the City of Gastonia. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the City of Gastonia in force and effect prior to the authorization to operate Alcoholic Beverage Control Stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores".

Sec. 6. If the operation of City Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the City Council of the City of Gastonia shall immediately create a City Board of Alcoholic Beverage Control, to be known and designated as the "City of Gastonia Board of Alcoholic Beverage Control", to be composed of five members, each of whom shall be residents of the City of Gastonia and shall be well known for their good character, ability and business acumen, and none of which shall be an employee of said board. The City Council of the City of Gastonia shall appoint one member to serve on said board for a term expiring June 30, 1968, two members to serve on said board for a term expiring June 30, 1969, and two members to serve on said board for a term expiring June 30, 1970, all terms to begin with the date of appointment. Thereafter, as the terms of the board members expire, their successors shall be appointed by the City Council of the City of Gastonia to serve for terms of

three years each. The City Council of the City of Gastonia shall designate from the membership of said board one member as chairman of said board to serve in said capacity for an initial term expiring June 30, 1968, and thereafter, as the term of the chairman of said board expires, his successor as chairman of said board shall be appointed by the City Council of the City of Gastonia from the membership of said board for a term of one year. The City Council of the City of Gastonia shall have the right to remove any member from said board for any cause it shall determine sufficient. Any vacancy occurring in the membership or chairmanship of said board by death, resignation or otherwise shall be filled by the City Council of the City of Gastonia for the unexpired term of the position in which such vacancy occurs. The compensation of the members and chairman of said board shall be fixed and determined by the City Council of the City of Gastonia.

Sec. 7. The City Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for county boards of alcoholic control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are county boards of alcoholic control set forth in G. S. 18-39, except as to the powers and authority of said State Board contained in G. S. 18-39(10). The City of Gastonia Board of Alcoholic Beverage Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "county" board of alcoholic control appears in said Article it shall apply to and include the City of Gastonia Board of Alcoholic Beverage Control. The City of Gastonia Board of Alcoholic Beverage Control shall have authority to employ legal counsel, accountants, and such other agents or employees as it may deem necessary and fix their compensation.

Sec. 8. The City of Gastonia Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the City Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be paid quarterly by the City of Gastonia Board of Alcoholic Beverage Control into the general fund of the City of Gastonia. The City Council of the City of Gastonia is hereby authorized to expend revenue derived from the operation of the Alcoholic Beverage Control Stores for any and all purposes for which it may expend tax and nontax revenue.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 625 **CHAPTER 831**

AN ACT TO FIX THE SALARIES OF THE CLERK OF SUPERIOR COURT, SHERIFF AND REGISTER OF DEEDS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The annual salaries of the Clerk of the Superior Court, Sheriff, and Register of Deeds of Alamance County shall be as follows, effective from and after July 1, 1967:

Clerk of Superior Court	$11,500.00
Sheriff	10,300.00
Register of Deeds	9,000.00

Sec. 2. Payments of the above annual salaries shall be made in 12 equal monthly installments.

Sec. 3. Nothing herein contained shall be construed to abridge or otherwise affect the power of the Board of Commissioners of Alamance County to make allowances to said officers for expenses or for the performance of ex officio functions.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 332 **CHAPTER 832**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CROSSNORE IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Incorporation and General Powers. The inhabitants of the Town of Crossnore in Avery County shall continue to be a body politic and corporate under the name of the "Town of Crossnore", and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Act all powers, functions, rights, privileges, and immunities of every name and nature which are granted by law to municipal corporations.

Sec. 2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by this Act, or, if this Act makes no provision, as provided by ordinance or resolution of the Board of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 3. Corporate Boundaries. The corporate boundaries of the Town of Crossnore shall be a circle with a radius of three-eighths of a mile, centering on the center of the State Highway bridge over Crossnore Creek.

Sec. 4. Mayor and Board of Aldermen. (a) The Board of Aldermen shall consist of five members to be elected by the qualified voters of the town at large in the manner provided by Section 9 of this Act.

(b) Four members of the Board of Aldermen shall serve for terms of four years, and one member shall serve for a term of two years, as provided in Section 9, and the Mayor shall serve for a term of two years; provided, they shall serve until their successors are elected and qualified.

(c) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Aldermen, or to serve in such capacity, unless he is a resident and a qualified voter of the town.

(d) If any elected Mayor or Alderman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Alderman after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term.

Sec. 5. Mayor Pro Tempore. The Board of Aldermen shall choose one of its members to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 6. Compensation of Mayor and Aldermen. The Mayor shall receive for his services such salary as the Board of Aldermen shall from time to time determine, and the Board may establish and from time to time change the salaries of its members.

Sec. 7. Organization of Board; Oaths of Office. The Mayor and Board of Aldermen shall meet and organize at the first regular meeting following each biennial election. Before entering upon their offices, the Mayor and each Alderman shall take the following oath of office: "I, ...
....., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 8. Meetings of Board. The Board of Aldermen shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or two members of the Board of Aldermen, and those not joining in the call shall be notified in writing by the Town Clerk. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

Sec. 9. Regular Municipal Elections. Regular elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election there shall be elected a Mayor to serve for a term of two years. In the 1967 election, there shall be elected five Aldermen, and the two candidates receiving the largest numbers of votes shall serve for terms of four years and the three candidates receiving the next largest

numbers of votes shall serve for terms of two years. In the 1969 election, and biennially thereafter, there shall be elected three Aldermen, and the two candidates receiving the largest numbers of votes shall serve for terms of four years and the candidate receiving the next largest number of votes shall serve for a term of two years.

Each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Alderman; provided, in the 1967 election each voter shall be entitled to vote for five candidates for Alderman. In case of a tie between opposing candidates for any office or term, the result shall be determined by lot.

Sec. 10. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman shall file with the Town Clerk a written and signed statement giving notice of his candidacy. Such notice shall be filed not later than 5:00 p.m. on the third Friday preceding the election at which he offers his candidacy, and shall be substantially in the following form: "I, ..., do hereby give notice that I am a candidate for election to the office of ..... to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Crossnore, residing at ....."

Sec. 11. Regulations of Elections. All town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

Sec. 12. Town Attorney. The Board of Aldermen shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Aldermen and shall receive such compensation as the Board shall determine. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the town; to advise the Mayor, Board of Aldermen, and other town officials with respect to the affairs of the town; to draw all legal documents relating to the affairs of the town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend all meetings of the Board of Aldermen; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

Sec. 13. Town Clerk. The Board of Aldermen shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the Board may direct.

Sec. 14. Appointment of Officers and Employees. The Board of Aldermen may appoint a Tax Collector, and Accountant, a Chief of Police, a Fire Chief, and such other officers and may, in its discretion, consolidate any two or more of such positions, or may assign the functions of any one or more of such positions to the holder or holders of any other of such

positions, and may designate a single employee to perform any or all of such functions.

Sec. 15. Claims Against the Town. All claims or demands against the Town of Crossnore arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant or his attorney or agent, within 90 days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within 10 days or after the expiration of 12 months from the time such claim or demand is presented. Unless the said claim or demand is so presented within 90 days, and unless suit is brought within 12 months thereafter, any action thereon shall be barred.

Sec. 16. The purpose of this Act is to revise the Charter of the Town of Crossnore and to consolidate into it the prior Acts concerning the property, affairs, and government of the town. It is intended to continue in force without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 17. The following Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

(a) Chapter 86 of the Private Laws of 1925;

(b) Chapter 672 of the Session Laws of 1963.

Sec. 18. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 19. All ordinances, resolutions, actions, and proceedings of the Board of Aldermen of the Town of Crossnore heretofore adopted, had, and taken are hereby in all respects legalized, ratified, approved, validated, and confirmed.

Sec. 20. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 537 CHAPTER 833

AN ACT TO REWRITE G. S. 14-196, RELATING TO THE USE OF PROFANE, INDECENT OR THREATENING LANGUAGE OVER THE TELEPHONE AND ANNOYING ANOTHER BY REPEATED TELEPHONING OR MAKING FALSE STATEMENTS OVER THE TELEPHONE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-196, is hereby rewritten to read as follows:

"§ 14-196. Using Profane, Indecent or Threatening Language to Any Person Over the Telephone; Annoying or Harassing by Repeated Telephoning or Making False Statements Over the Telephone. (a) It shall be unlawful for any person:

(1) To use in telephonic communications any words or language of a profane, vulgar, lewd, lascivious or indecent character, nature or connotation;

(2) To use in telephonic communications any words or language threatening to inflict bodily harm to any person or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person;

(3) To telephone another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing or embarrassing any person at the called number;

(4) To make a telephone call and fail to hang up or disengage the connection with the intent to disrupt the service of another;

(5) To telephone another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct or criminal conduct of the person telephoned or of any member of his family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass;

(6) To knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

"(b) Any of the above offenses may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

"(c) Anyone violating the provisions of this Section shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both, in the discretion of the court."

Sec. 2. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provision, item or application, and to this end the provisions of this Act are hereby declared severable.

Sec. 3. G. S. 14-196.1, G. S. 14-196.2 and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 596 CHAPTER 834

AN ACT TO AMEND G. S. 143-117 TO ADD THE ALCOHOLIC REHABILITATION CENTERS TO THE LIST OF STATE MENTAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-117 is hereby amended by adding after the word "Morganton," in line 7 thereof the following:

"the Alcoholic Rehabilitation Centers which are now or hereafter may be authorized,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply as to all those persons now or hereafter residents at the Alcoholic Rehabilitation Centers as well as those which accounts are now due and owing.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 600 CHAPTER 835

AN ACT TO AMEND G. S. 6-21 RELATING TO THE PAYMENT OF COSTS IN CIVIL ACTIONS SO AS TO ALLOW THE CLERK OF SUPERIOR COURT OF JOHNSTON COUNTY TO APPORTION THE COSTS IN TAX FORECLOSURE SUITS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-21 is amended by inserting after subsection 9 the figures and words as follows:

"10. Tax foreclosure suits."

Sec. 2. This Act shall apply only to Johnston County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 737 CHAPTER 836

AN ACT TO INCORPORATE THE TOWN OF MONTREAT IN BUNCOMBE COUNTY AND TO AMEND THE CHARTER OF THE MOUNTAIN RETREAT ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Incorporation and General Powers. The inhabitants of the territory described in Section 2 of this Act shall constitute a body politic and corporate under the name of the Town of Montreat, and shall be vested with all rights and powers herein delegated to it; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may, from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Act all municipal powers, functions, rights, privileges, and immunities of every name and nature vested in, or accorded or delegated to, municipal corporations by the general laws of the State. In addition, the Town of Montreat shall have and may exercise all the powers of a municipal, or governmental nature delegated to the Mountain Retreat Association or to any board, body, or official thereof by the following Acts: c. 196, Public Laws, 1897; c. 559, Public Laws, 1901; c. 431, Private Laws, 1907; cc. 143 and 425, Private Laws, Regular Session, 1913; c. 107, Private Laws, 1917; c. 169, Private Laws, Regular Session, 1921; and c. 396, Public Laws, 1933; and

all such powers of a governmental nature are hereby withdrawn from the Mountain Retreat Association or any board, body, or official thereof.

Sec. 2. Corporate Boundaries. The corporate boundaries of the Town of Montreat, until changed in accordance with law, shall be as follows:

Lying and being in Buncombe County, North Carolina and being all that area lying within the following particular described perimeter:

Beginning at a newly installed concrete marker set in the eastern edge of the main road leading from Black Mountain to Montreat at the point where the southern line of the Mountain Retreat Association property crosses said road and lying 259.85 feet South 55 degrees 30 minutes East from an old concrete monument as shown on page 1 of the map of Montreat, which is duly recorded in the Office of the Register of Deeds of Buncombe County, Plat Book 16, page 92 and running from said newly erected concrete marker the following calls and distances (subject to adjustment for changes in magnetic North since 1935):

North 55 degrees 30 minutes West 259.85 feet to the aforementioned concrete monument; North 67 degrees 56 minutes West 633 feet to a monument; North 83 degrees 32 minutes West 247.5 feet to a monument; North 88 degrees West 883 feet to a concrete and stone monument, same being the southwest corner of the Mountain Retreat Association properties; North 01 degrees 37 minutes East 2227 feet to a stake; thence North 82 degrees 30 minutes East 1204 feet to a stake; thence following the western line of the Mountain Retreat Association properties, the following calls and distances: North 01 degrees East 198 feet; North 36 degrees 15 minutes West 825 feet; North 46 degrees West 464 feet; North 28 degrees West 561 feet; North 49 degrees West 330 feet; North 26 degrees 30 minutes West 330 feet; North 09 degrees 15 minutes West 99 feet; North 10 degrees East 363 feet; North 48 degrees East 462 feet; North 27 degrees East 577.5 feet; North 56 degrees 30 minutes East 231 feet; North 44 degrees 30 minutes East 297 feet; North 51 degrees East 792 feet; North 42 degrees East 264 feet to a point on Brushy Knob; thence leaving the western line of the Mountain Retreat Association property at Brushy Knob the following approximate calls and distances:

In an easterly direction approximately 2500 feet to a newly erected concrete monument located in the center of Big Piney Branch approximately five feet South of the toe of the rock and mortar dam now serving as one of the water reservoirs of Mountain Retreat Association; thence from said concrete monument in an easterly direction approximately 2700 feet to a concrete monument recently set in the center of the toe of the earthen dam of the Mountain Retreat Association water system reservoir located just North of Graybeard Trail and just West of Slatey Branch; thence from said monument in an easterly direction approximately 3150 feet to the point and marker in the eastern boundary of the Mountain Retreat Association property located in Long Gap, thence with the eastern margin of the Mountain Retreat Association property the following calls and distances: South 04 degrees 30 minutes West 528 feet; South 29 degrees 15 minutes West 528 feet; South 37 degrees West 206 feet; South 36 degrees 30 minutes East 462 feet; South 10 degrees 45 minutes West 214 feet; South 03 degrees 50 minutes East 444.5 feet; South 11 degrees

15 minutes West 156 feet; South 46 degrees West 140 feet; South 06 degrees West 544.5 feet; South 14 degrees East 1188 feet; South 05 degrees 30 minutes East 561 feet; South 66 degrees 30 minutes East 208 feet; South 73 degrees East 472.5 feet; South 40 degrees 30 minutes East 264 feet; South 04 degrees East 668 feet; South 05 degrees 15 minutes West 660 feet; South 16 degrees 30 minutes East 792 feet; South 05 degrees East 726 feet; thence crossing the Old Mt. Mitchell Toll Road South 61 degrees 30 minutes East 726 feet; South 83 degrees East 485 feet; South 70 degrees East 181.5 feet; South 87 degrees East 386 feet; South 32 degrees East 584 feet to a stone pile and chestnut oak marking the southeastern corner of the aforesaid Mountain Retreat Association properties; thence with the southern boundary of the aforesaid Mountain Retreat Association properties North 85 degrees 10 minutes West 6012 feet thrice crossing the Old Mt. Mitchell Toll Road to a stone pile marking the northwest corner of the property conveyed by J. D. Murphy to A. G. Miller and W. H. Belk on November 11, 1908 by deed recorded in Book 157, page 502 (now the property of the Southern Baptist Assembly); thence North 87 degrees 30 minutes West again crossing the aforesaid Old Toll Road 3400 feet to a stone pile; thence South 86 degrees 32 minutes West 1611 feet to a concrete and stone marker; thence North 55 degrees 30 minutes West 244.15 feet to the Beginning.

Sec. 3. Governing Body. The governing body of the Town of Montreat shall consist of a Board of three commissioners, one of whom shall be designated as Mayor by said Board. All of the powers of the Town of Montreat shall be vested in the Board of Commissioners. C. Grier Davis, Ivan B. Stafford and E. A. Andrews, Jr., are hereby appointed commissioners; C. Grier Davis to serve as Mayor, to serve until their successors are duly elected and qualified pursuant to Section 4 of this Act.

Sec. 4. Town Elections. (a) A regular municipal election for the purpose of electing the three members of the Board of Commissioners for the Town of Montreat shall be held on Tuesday after the first Monday in May, 1969, and quadrennially thereafter. All municipal elections shall be conducted in accordance with and pursuant to Article 3 of Chapter 160 of the General Statutes of North Carolina, except as provided in subsection (b) of this Section.

(b) Any qualified elector who would offer himself as a candidate for commissioner in any election shall file with the town clerk a written statement giving notice of his candidacy, which said notice must bear the signatures of not less than 15 qualified voters endorsing his candidacy. Such notice shall be filed not earlier than the first day of March preceding the election and not later than the fifteenth day of April preceding the election, shall be accompanied by a filing fee of five dollars ($5.00), and shall be substantially in the following form:

"I, ..., do hereby give notice that I am a candidate for election to the office of Commissioner to be voted on at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am

a resident and qualified voter of the Town of Montreat, residing at .....

.....
(Signature)

.....
(Date)

Witness:.....

We, the undersigned registered voters in the Town of Montreat, do hereby endorse the foregoing candidacy of .....
(15 names required).

....
....
....
....
...."

Sec. 5. Sale of Intoxicating Beverages. (a) It shall be unlawful for any person, firm or corporation to engage in the sale of beer, wine or any other beverage containing alcohol within the corporate limits of the Town of Montreat in Buncombe County.

(b) Every person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned within the discretion of the court.

Sec. 6. Amendment of Acts. Chapter 196 of the Public Laws of 1897; c. 599 of the Public Laws of 1901; c. 431, Private Laws, 1907; cc. 143 and 425 of the Private Laws of 1913, Regular Session; c. 107 of the Private Laws of 1917; and c. 169 of the Private Laws of 1921, Regular Session, are each and all hereby amended by inserting in each, respectively, immediately after the enacting clause, a new Section to be designated as Section A1 and to read as follows:

"Section A1. All of the rights and powers of a municipal and governmental nature herein delegated to the Mountain Retreat Association or to any body, board, or official thereof may henceforth be exercised by the Town of Montreat and its governing body and shall not henceforth be exercised either in whole or in part, by the Mountain Retreat Association or any body, board, or official thereof."

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 769 CHAPTER 837

AN ACT TO AMEND CHAPTER 222, SESSION LAWS OF 1967, RELATING TO THE TRANSPORTATION, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN GASTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 222, Session Laws of 1967, is hereby amended by adding the following at the end of subsection (3) of G. S.

18-51.1, as set out in said Section 9: "Notwithstanding the establishment of one or more alcoholic beverage control stores in the Town of Kings Mountain, which is located in Cleveland and Gaston Counties, no permit shall be issued by the State Board of Alcoholic Control in Gaston County for the purposes defined in subsection (5) of G. S. 18.51 to any person, until an alcoholic beverage control store has been lawfully established in at least one other location in said Gaston County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 798 CHAPTER 838

AN ACT AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 7(38) of the Charter of the City of Fayetteville is rewritten in its entirety to read as follows:

"(38). Standing Water. Power to Abate Nuisance. When there is any lot, lots, or alleys owned by one or more persons, upon which water shall collect, either by falling upon the said lot, lots, or alleys or collected thereon by drainage or otherwise from adjacent lots, no adequate drainage from which is provided by natural means, the Board of Aldermen (City Council) of the city, on their own motion, or any of them, when in their opinion said conditions are or are liable to become a nuisance or menace to health, or upon being advised by the health officer of the city or county that the conditions so existing are or are liable to become, a nuisance or menace to health, said Board of Aldermen (City Council) is authorized to abate the nuisance, and to that end may proceed to abate it in the following manner."

Sec. 2. Section 7(39) of said Charter is rewritten in its entirety to read as follows:

"(39). Same. Survey; Notice to Lot or Alley Owners. The city shall cause a survey to be made by a competent engineer to ascertain the means and methods and costs of providing an adequate drainage from such lot, lots or alleys and such engineer shall prepare plans and specifications to provide such drainage, with the estimated cost thereof. The city is authorized to pave said lot, lots or alleys in order to secure proper drainage of said lot, lots or alleys. In making such survey, the engineer shall include therein the area of adjoining and adjacent lots or alleys which will be drained by such systems of drainage. He shall also include in such survey the area of all adjoining and adjacent lots or alleys from which water flows and is gathered upon the lot, lots or alleys which are to be drained. The city shall thereupon cause notice to be served upon the owner of the lot, lots or alleys drained and the owners of such adjacent lots or alleys as shall be affected, as herein set forth, which notice shall

state, in general and briefly the fact that a nuisance has been or is liable to be created and so declared; that it is the purpose of the city to abate the same by causing a system of drainage and paving to be put in, and the assessed cost against every such owner as hereinafter provided; that the report of the engineer is on file and subject to inspection, and that on a date to be named in the notice a hearing will be had before the board as to whether the plan shall be adopted and the assessment shall be made, at which hearing the persons affected may be present and present such objections as they may have to the adoption of the report of the engineer and the doing of the work."

Sec. 3. Section 7(41) of said Charter is rewritten in its entirety to read as follows:

"(41). Assessment and Payment of Costs. The city shall bear one-third of the total costs involved in the paving and drainage of said lot, lots, or alleys. The remaining two-thirds of said total cost of paving and drainage shall be assessed against each and every owner of a lot, lots, or alleys affected by the plan or system, upon the following basis, that is to say, he or she shall pay such proportion of two-thirds of the total cost as the area of his lot, lots or alley may bear to the total area, as shown by the plans and engineer when adopted by the Board of Aldermen (City Council), which sum shall be due in such annual installments as the Board of Aldermen (City Council) may determine which shall not exceed five in number, and such installments shall bear interest."

Sec. 4. Section 7(42) of said Charter is rewritten in its entirety as follows:

"(42). Area Declared 'Special Improvement District'. The area which shall be included within and drained and/or paved by the plans and specifications as herein provided for is hereby declared to be a 'special improvement district'."

Sec. 5. Article IV (Civil Service Commission), Section 165 of said Charter is amended by striking from the third sentence thereof the words "thirty-five" and substituting in lieu thereof the words and figures "thirty-nine (39)."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 1013 CHAPTER 839

AN ACT TO ALLOW THE QUALIFIED ELECTORS OF HALIFAX COUNTY TO DETERMINE THE TENURE OF OFFICE FOR MEMBERS OF THE COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. The Halifax County Board of Elections shall hold a special election on the same date as the 1968 primary election at which time the question of whether or not to increase the tenure of office of the members

of the board of county commissioners from two to four years shall be submitted to the people of Halifax County. No new registration shall be required for this special election and said election shall be held in accordance with the laws governing primary elections insofar as is possible.

Sec. 2. The following questions shall be submitted to the qualified voters of Halifax County at said special election.

(A) ☐ For increasing the tenure of office of the members of the board of county commissioners from two to four years and staggering their election in the following manner: The three members of the board of county commissioners receiving the largest vote in the election of 1968 shall serve for a full four-year term and the two remaining commissioners shall serve for a two-year term. Thereafter all commissioners shall serve for a four-year term, but three shall be elected at one election and two at the next election.

(B) ☐ For the tenure of office of the members of the board of county commissioners remaining at two years as is now provided by law.

Sec. 3. If a majority of the voters voting in said special election favor increasing the tenure of office of the members of the board of county commissioners from two to four years and staggering their election as above provided, then the three members of the board of county commissioners receiving the largest vote in the election of 1968 shall serve for a full four-year term and the two remaining commissioners shall serve for a two-year term. Thereafter all commissioners shall serve for a four-year term, but three shall be elected at one election and two at the next election.

Sec. 4. If a majority of the voters voting in said special election favor the tenure of office of the members of the board of county commissioners remaining at two years as is now provided by law, then the said members of the board of county commissioners shall be elected for two-year terms with all five running each election as is now provided by law.

Sec. 5. Neither this Act nor the election provided herein shall in any way affect the County Commissioner Districts now set up for Halifax County, but shall only affect the tenure of office for the members of the board of county commissioners.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 1151 CHAPTER 840

AN ACT TO AMEND CHAPTER 713 OF THE SESSION LAWS OF 1965, BEING THE CHARTER OF THE CITY OF CHARLOTTE IN MECKLENBURG COUNTY, RELATING TO WARRANT FOR ARREST COSTS IN THE RECORDER'S COURT.

The General Assembly of North Carolina do enact:

Section 1. Section 8.16, Costs, of Chapter 713, 1965 Session Laws, being the Charter of the City of Charlotte, is hereby amended by changing

the figures "2.50" in line three to "6.50", and by changing the figures "$13.00" in line eight to "$17.00".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 1170 CHAPTER 841

AN ACT TO INCORPORATE THE TOWN OF BELL'S ISLAND, INCORPORATED, IN CURRITUCK COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Bell's Island, Incorporated, North Carolina, within the boundaries as established in Section 3 of this Act, shall be a body politic and corporate by name the Town of Bell's Island, Incorporated, and under that name shall have perpetual succession; may use a corporate seal, may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this Act, the Town of Bell's Island, Incorporated, shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Bell's Island, Incorporated, shall have, and may exercise all powers which, under the Constitution of North Carolina and the general laws of the State including, without limitation Chapter 160 of the General Statutes of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in the manner provided by ordinance or resolution of the town council.

Sec. 3. Corporate Limits. The corporate limits of the town shall be as follows:

Beginning at a point on the North side of N. C. Highway No. 34 leading from the mainland of Currituck County eastwardly to Belle's Island at a concrete monument located at a point which is the following courses and distances from the northwest corner of the bridge on the aforesaid highway crossing the outlet from a pond on the lands of the John E. Wood Estate, sometimes called Simmon's Pond: North 56 degrees 13 minutes East 282 feet and thence North 87 degrees 43 minutes East

1444 feet along the North side of said highway. Said point of beginning and the aforesaid concrete monument is designated "Monument No. 1" on the report of the surveyor in Civil Suit No. 259 tried in the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, said suit being entitled in part William S. Gray and wife vs. Russell B. Box, et al and said report of surveyor being recorded in Book 90 at page 200 in the office of the Register of Deeds of Currituck County and said report of surveyor being made at the direction of the aforesaid court and pursuant to the adjudication of the boundary line between the owners of the properties herein described and one John E. Wood, the then owner of the properties to the West the properties herein described, said judgment being dated April 9, 1957, and from said point of beginning thence along the line established by said judgment the following courses and distances: North 39 degrees 13 minutes East 579 feet, thence North 57 degrees 58 minutes East 376 feet and North 62 degrees 43 minutes East 488 feet to the waters of Currituck Sound, thence along the shore line of Bell's Island on the following general courses and distances: North 86 degrees 20 minutes East 845 feet, North 12 degrees 55 minutes East 960 feet, North 67 degrees 45 minutes East 1090 feet, South 38 degrees 15 minutes East 970 feet, South 08 degrees 40 minutes East 1705 feet, South 24 degrees 20 minutes East 2685 feet, South 06 degrees 50 minutes West 1850 feet to a 12 inch x 12 inch wood post in concrete at the northeast corner of the F. P. Bradley property, thence South 65 degrees 55 minutes West along the center line of a ditch to and thru three iron stakes a distance of 1643.7 feet to an iron pipe at the edge of Coinjock Bay, thence along the shore line of Belle's Island Marsh the following general courses and distances: North 37 degrees 10 minutes West 3840 feet, North 07 degrees 45 minutes East 1090 feet, North 32 degrees 50 minutes West 805 feet, South 15 degrees West 725 feet, South 67 degrees 35 minutes West 560 feet to the properties of Russell Box and others set aside to them in the actual partition in Civil No. 259 above-mentioned as per order confirming partition dated August 3, 1957, and recorded in Book 90 at page 176 in the office of the Register of Deeds of Currituck County, thence North 03 degrees West 1030 feet along the East line of the Box et al properties to the center line of N. C. Highway No. 34, thence westwardly along the center line of said highway South 87 degrees 43 minutes West a distance of 90 feet, thence North 02 degrees 37 minutes West 30 feet to the point of beginning and containing 407.93 acres as per plat of David Cox, Jr., dated June 13-16, 1966, entitled in part "A part of Bell's Island being conveyed to Belle Isle, Inc."

TOWN COUNCIL

Sec. 4. Creation, Terms of Office, Compensation. Except as otherwise provided in this Charter, all powers of the town shall be vested in a town council consisting of four members and a mayor appointed or nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor shall be for two years or until his successor is elected and qualified. The term of office for town councilman shall be for four years except as otherwise provided in this Act. If a vacancy occurs in the office of mayor or councilman, it shall be filled for the remainder

of the unexpired term by a majority vote of the remaining members of the town council. The mayor and members of the town council shall be qualified electors of the town. A member of the town council or the mayor ceasing to possess any of the qualifications specified in this Section, shall immediately forfeit his office. The mayor and members of the town council shall serve without compensation.

Sec. 5. Meeting of the Town Council. The town council shall meet at such times as may be prescribed by ordinance or resolution. Special meetings may be called upon the written request of the mayor or two members of the town council. All meetings of the town council shall be open to the public, and the rules of the council shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tempore. The mayor shall preside at meetings of the town council and shall exercise such other powers and perform such other duties as may now or hereafter be conferred and imposed upon him by the general laws of North Carolina, by this Charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the town council, take command of the police, maintain order and enforce the law. At its first meeting following a regular municipal election or appointment, the town council shall choose one of its members as mayor pro tempore. In case of the absence or disability of the mayor, the mayor pro tempore shall act as mayor during the continuance of the absence or disability.

Sec. 7. Quorum. A majority of the members elected or appointed to the town council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the town council shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or a vote regarding the attendance of absent members, may be adopted by a majority of the members present.

Sec. 8. Ordinances, Rules and Records. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the council. Except as otherwise prescribed in this Act or by general law, all ordinances and resolutions passed by the town council shall take effect at the time indicated therein. Upon final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. The town council shall determine its own rules and order of business and keep a journal of its proceedings.

NOMINATIONS AND ELECTIONS

Sec. 9. Municipal Elections. The regular election for the choice of mayor and members of the town council shall be held on Tuesday following

the first Monday in May in the odd-numbered years. Provided, the date of the first regular municipal election shall be determined as follows:

(1) If the mayor and members of the town council first elected as provided for elsewhere in this Act are elected during the odd-numbered year, the first regular municipal election shall be held in May of the odd-numbered year next following such appointments.

(2) If the mayor and members of the town council first elected are elected during an even-numbered year, the first regular municipal election shall be held in May of the odd-numbered year which is two years subsequent to the month of May in the odd-numbered year next following the year of such first elections.

Sec. 10. Regulations of Elections. All elections shall be conducted in accordance with the general laws of the State relating to municipal elections, except as otherwise provided in this Act.

Sec. 11. Nominations. Any qualified elector of the Town of Bell's Island, Incorporated, may file as a candidate for mayor or member of the town council by filing a notice of candidacy in substantially the following form:

"I, ..., hereby give notice that I am a candidate for election to the office of ..... to be voted on at the election to be held on ....., and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the Town of Bell's Island, Incorporated, residing at ....., in said town.

.....(Candidate).....

.....(Date).....

Witness:

.....".

The notice of candidacy prescribed above must be filed with the town clerk no earlier than 60 days nor later than 10 days before the date of election. The town clerk shall preserve all such notices until expiration of the term of the office for which the candidate filed. Any candidate may withdraw his notice of candidacy not later than the last day for filing by submitting written notice of withdrawal with the town clerk.

Sec. 12. Election of Mayor and Town Council. The mayor and members of the town council shall be elected at large by the qualified voters of the town. Every voter shall be entitled to vote for one candidate for mayor and for four candidates for the town council. The four candidates who receive the largest number of votes for councilman shall be declared elected. The candidate who receives the largest number of votes for mayor shall be declared elected, and the mayor shall serve for a term of two years. Councilmen shall serve for a term of four years. Provided, however, that at the first regular municipal election to be held as provided for elsewhere in this Act, the two candidates for the town council receiving the highest number of votes shall be elected to serve for a four-year term, and the other two candidates elected to the town council shall serve for a two-year term. Thereafter all members elected to the town council shall serve for a four-year term.

ADMINISTRATIVE SERVICE

Sec. 13. Appointment of Officers and Employees. The town council may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment. Provided, that the town council may appoint one person to perform the duties of any two or more positions. Such employees or officers shall serve at the pleasure of the town council, and shall perform such duties as may be prescribed by the town council. The town council shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 14. Custody of Town Money. All moneys received by the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the town council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the treasurer or other official designated by the town council.

Sec. 15. Contracts and Purchases. All contracts for town improvements and all purchases of supplies, materials and equipment shall be governed by the applicable provisions of the General Statutes of North Carolina and in particular G. S. 143-129.

Sec. 16. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the town council, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be available to any interested citizens and may be published if so ordered by the town council.

MISCELLANEOUS PROVISIONS

Sec. 17. Publicity of Records. All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the town council.

Sec. 18. Personal Interest. Neither the mayor nor any member of the town council nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services; except on behalf of the town as an officer or employee. Any wilful violation of this Section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the town council.

Sec. 19. Oath of Office. Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will in all respects observe the provisions of the Charter and ordinances of the Town of Bell's Island, Incorporated, and will faithfully discharge the duties of the office of ....."

Sec. 20. The authority granted by this Act shall not be exercised and the government of the Town of Bell's Island, Incorporated, as provided for in this Act shall not function unless the Town of Bell's Island, Incorporated, is activated by formal resolution adopted by the Board of Commissioners of Currituck County pursuant to the following requirements:

(1) In the event a written petition signed by fifteen per cent (15%) of the resident freeholders whose property is located within the limits as described in Section 3 of this Act is filed with the Board of Commissioners of Currituck County, the Board of Commissioners of Currituck County upon confirmation of such petition and not later than 90 days from the date of the receipt thereof shall adopt a formal resolution activating the Town of Bell's Island, Incorporated, in accordance with this Act.

(2) The resolution activating the Town of Bell's Island, Incorporated, shall state that a petition or petitions as required herein were received and found sufficient, that the town is activated on the effective date of the resolution and shall function in accordance with this Act.

(3) Immediately upon the adoption of a Resolution of Activation, the Board of County Commissioners of Currituck County shall call an election for the purpose of electing a mayor and members of the town council, and shall cause a registration of qualified voters within the limits of the town to be had and appoint election officials for conducting such election, all in accord with procedure of general State laws relating to municipal elections.

(4) Once a resolution as required by this Act has been adopted by the Board of Commissioners of Currituck County formally activating the Town of Bell's Island, Incorporated, all provisions of this Act and general laws to which this Act refers shall govern the Town of Bell's Island, Incorporated, and the repeal of the activation resolution or other action by the Board of Commissioners of Currituck County shall not modify, repeal or affect in any manner the provisions of this Act.

Sec. 21. If any part of this Act shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Act. The provisions of this Act shall supersede all laws and ordinances not consistent herewith, insofar as the Town of Bell's Island, Incorporated, is affected thereby.

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. B. 1187 **CHAPTER 842**

AN ACT TO AMEND G. S. 58-79 RELATING TO INVESTMENTS OF LIFE INSURANCE COMPANIES IN STOCKS, REAL ESTATE, AND TO ALLOW LIMITED LEEWAY IN MAKING OTHER INVESTMENTS.

The General Assembly of North Carolina do enact:

Section 1. Section 58-79 of the General Statutes of North Carolina is hereby amended by inserting in the sixth line of subdivision (6) of subsection (a) of said Section immediately in front of the word "stocks" the word "common".

Sec. 2. Section 58-79 of the General Statutes of North Carolina is hereby amended by striking out of subdivision (11) e.1.III of subsection (a) of said Section the following:

"reduced each year by equal decrements sufficient to write off at least seventy-five per cent (75%) of the investment at the normal termination of the lease or at the end of thirty years should the term of the lease be for a longer period.";

and by substituting in the place thereof the following:

"reduced each year by at least two per cent (2%) of the investment allocable to the improvements on such real estate."

Sec. 3. Section 58-79 of the General Statutes of North Carolina is hereby amended by renumbering subdivision (14) of subsection (a) of said Section to be subdivision (15) and by inserting immediately after subdivision (13) of subsection (a) of said Section, a new subdivision (14) to read as follows:

"(14) Notwithstanding any expressed or implied prohibitions, a company may, after the date of the enactment of this subdivision, invest in investments which do not otherwise qualify under any other provision of this subsection; provided, however, that the investments authorized by this subdivision shall not exceed the lesser of (1) five per cent (5%) of its admitted assets or (2) the amount by which total admitted assets exceed total liabilities (except capital) plus six hundred thousand dollars ($600,000) as shown on its last annual statement preceding the date of the acquisition of such investment as filed with the Commissioner of Insurance.

"Nothing herein shall be construed or implied so as to authorize any company to invest in real property unless already authorized to do so by this Chapter or some other existing law of the State of North Carolina."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. B. 371 **CHAPTER 843**

AN ACT TO MAKE IT A MISDEMEANOR TO ABANDON DOMESTIC ANIMALS ON PUBLIC HIGHWAYS, PUBLIC PLACES OR PROPERTY OF ANOTHER IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Any person who shall abandon any domestic animal upon any public property or any public place or upon the public highway or the property of another, shall be guilty of a misdemeanor.

Sec. 2. This Act shall apply only to Beaufort, Cabarrus, Gaston, Guilford, Johnston, Union, and Wake Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

S. B. 398 **CHAPTER 844**

AN ACT TO ENABLE "LLOYDS" INSURANCE ASSOCIATIONS TO TRANSACT INSURANCE BUSINESS IN THIS STATE WHEN AND IF SUCH ASSOCIATIONS HAVE OTHERWISE QUALIFIED FOR ADMISSION UNDER PROVISIONS OF ARTICLES 17 AND 20 OF CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding immediately after Article 16 a new Article to be designated as Article 16A and reading as follows:

"ARTICLE 16A

"Lloyds" Insurance Associations

"§ 58-148.1. Lloyds Insurance Associations May Transact Business of Insurance Other Than Life, on Certain Conditions. Associations of individuals, whether organized within the State or elsewhere, formed upon the plan known as "Lloyds"—whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by policy—may be authorized to transact business of insurance, other than life, in this State, in like manner and upon the same terms and conditions as are required of and imposed upon insurance companies regularly organized; but all such "Lloyds" whether organized within the State or elsewhere, shall make the same deposit, and upon the same terms and conditions as required by Articles 17 and 20 of this Chapter for foreign or alien insurance companies incorporated under the laws of any government or state other than the United States or one of the several states of the Union. Provided, such associations shall be subject to all of the laws and

regulations of the State of North Carolina relating to the transaction of insurance business within this State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

S. B. 702 CHAPTER 845

AN ACT TO PROVIDE FOR AN ELECTION TO BE HELD IN THE TOWN OF TARBORO IN EDGECOMBE COUNTY TO DETERMINE WHETHER CERTAIN SECTIONS OF THE CHARTER OF THE TOWN OF TARBORO SHALL BE AMENDED INSOFAR AS THEY PERTAIN TO THE FORM OF GOVERNMENT AND TO THE NUMBER AND ELECTION OF THE MEMBERS OF THE TOWN COUNCIL AND THE ELECTION OF MAYOR OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. Section 160-291 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro an election may be held under this Article 21, as modified or amended by this Act, for the purpose of submitting to the electors of said town the proposed changes in the number of councilmen and in the manner of election of said councilmen and the manner of the election of the mayor of said town, all as hereinafter provided."

Sec. 2. Section 160-296 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the filing of a petition with the Board of Elections of Edgecombe County shall not be necessary or prerequisite to the holding of an election as hereinafter provided."

Sec. 3. Section 160-297 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the filing of a petition with the Board of Elections of Edgecombe County shall not be necessary or prerequisite to the holding of an election as hereinafter provided."

Sec. 4. Section 160-298 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro the County Board of Elections of Edgecombe County shall call an election in accordance with the provisions of this Article within five days after a request for such election is filed with said County Board of Elections by the Town Council of the Town of Tarboro, provided such request is filed with said County Board of Elections prior to January 1, 1969, for the purpose of submitting to the electors of said town the proposed changes and amendments hereinafter set forth. If such an election is so requested, the Board of Elections shall cause notice of such election to be given at least once a week for four

weeks in some newspaper of general circulation in Edgecombe County, and the date of such election shall be fixed by the Board not later than 40 days from the receipt of such a request. The notice shall be signed by the Chairman of the County Board of Elections, and the cost of publication thereof and other costs of the election paid by the Town of Tarboro. The election shall be held under, and governed and controlled by, the laws in force at the time of such election governing regular elections of the Town of Tarboro, and the returns shall be canvassed and the results determined in accordance with such laws."

Sec. 5. Section 160-300 of the General Statutes of North Carolina is hereby amended by adding at the end of said Section the following proviso:

"Provided that in the Town of Tarboro all ballots used in the election shall contain the information and be substantially in the form provided for in the following Section."

Sec. 6. Section 160-301 of the General Statutes of North Carolina is hereby amended by adding at the end the following proviso:

"Provided that in the Town of Tarboro, the ballots shall be printed substantially as follows:

SPECIAL MUNICIPAL ELECTION

To vote for either plan or form of government make a cross in the appropriate square to the left of the form of your choice.

☐ For the amending of the Charter of the Town of Tarboro to provide for the Town Manager Form of Government, with seven Town Councilmen elected at large, with a Mayor elected by the Councilmen from among their own number, and a Town Manager appointed by the Town Council.

☐ For the retention of the Present Form of Government, with a Mayor elected at large, eight Councilmen elected according to wards, and a Town Manager appointed by the Town Council, as presently provided in the Town Charter."

Sec. 7. If the majority of the electors of the Town of Tarboro voting at the election called and conducted, as hereinabove provided, vote "For the amending of the Charter of the Town of Tarboro to provide for the Town Manager Form of Government, with seven Town Councilmen elected at large, with a Mayor elected by the Councilmen from among their own number, and a Town Manager appointed by the Town Council," as determined by the Board of Canvassers, Chapter 531 of the 1967 Session Laws of North Carolina, being the Charter of the Town of Tarboro, shall be amended as follows:

a. Sec. 2.2 of said Chapter shall be rescinded.

b. Sec. 2.3 of said Chapter shall be rescinded.

c. Sec. 3.1 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 3.1. Composition of Town Council. The Town Council shall consist of seven members to be elected by and from the qualified voters of the Town in the manner provided by Article IV. All the legislative and policy making powers of the Town shall be vested in the Town Council."

d. Sec. 3.2 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the Town Council from among its own members and shall hold office during the term for which he has been elected to the Town Council as hereinafter provided in Section 3.5. The Mayor shall be the official head of the Town government and, when present, shall preside at all meetings of the Town Council. The Mayor shall have the same power as the other members of the Town Council to vote upon all matters coming before it, but shall have no power of veto. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council. In the absence of both the Mayor and Mayor Pro Tempore from any meeting, a Chairman Pro Tempore shall be chosen and preside at said meeting."

e. Sec. 3.3 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the Town Council and the member thereof elected Mayor as herein provided shall serve for terms of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.

"(b) No person shall be eligible to be a candidate or be elected as a member of the Town Council or to serve in such capacity, unless he is a resident and qualified voter of the Town. Removal of residence of any Councilman from the Town shall ipso facto constitute a removal of such Councilman from office and create a vacancy therein.

"(c) Any vacancy occurring in the office of Councilman of the Councilman elected as Mayor as herein provided shall also automatically and immediately constitute a vacancy in the office of Mayor and the vacancies in each of such offices shall be filled as hereinafter provided.

"(d) If any elected Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Councilman so appointed shall have the same authority and powers as if regularly elected. If any Mayor elected as herein provided shall refuse to qualify, or if there shall be any vacancy in the office of Mayor after election and qualification, the remaining members of the Town Council shall appoint from their own number a successor for the unexpired term of Mayor. Any Mayor so appointed shall have the same authority and powers as if regularly elected."

f. Sec. 3.5 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 3.5. Organization of Board; Election of Mayor; Oaths of Office. The Town Council shall meet and organize for the transaction of business

at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, each Councilman shall take and subscribe before the Town Clerk, a magistrate, or the Clerk of Superior Court, and have entered upon the minutes of the Council the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of Councilman of the Town of Tarboro, on which I am about to enter, according to my best skill and ability; so help me, God.'

"The Town Council shall thereupon be organized by the choice from its members of a Mayor, who shall hold his office during the term for which he was elected a member of the Town Council, and a Mayor Pro Tempore, who shall hold his office during the pleasure of the Town Council. Before entering upon his office the Mayor shall take and subscribe before the Town Clerk, a magistrate, or the Clerk of Superior Court, and have entered upon the minutes of the Council, the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of Mayor of the Town of Tarboro, on which I am about to enter, according to my best skill and ability; so help me, God.'

"The organization of the Town Council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or non-election of one or more of the members: Provided, that at least four of the persons entitled to be members of the Town Council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter."

g. Sec. 3.7 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative votes of a majority of the members of the Town Council present shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting."

h. Sec. 4.1 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 4.1. Regular Municipal Elections. The regular municipal elections shall be held on Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by and from the qualified voters of the Town voting at large seven Councilmen, each to serve for a term of two years or until his successor is elected and qualified."

i. Sec. 4.2 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 4.2. Voting. Each voter shall be required to vote for seven candidates for Councilman in accordance with Section 163-175(6) of the General Statutes of North Carolina. The seven candidates for Councilman who receive the largest number of votes cast for Councilman shall be declared elected."

j. Sec. 4.3 of said Chapter shall be amended and rewritten to read as follows:

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Councilman, in order to have his name appear on the official ballot, shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days and not later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars ($5.00), and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for election to the office of Councilman of the Town of Tarboro, to be voted on at the election to be held on ...., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Tarboro, residing at .....

Witness: ....(Signature).....

.....(Date).....'"

Sec. 8. If the amendments to Chapter 531 of the 1967 Session Laws of North Carolina, being the Charter of the Town of Tarboro, shall become effective pursuant to Section 7 of this Act, the duly elected, qualified, and acting officers of the Town of Tarboro shall continue to hold and continue to execute all the duties and authority of their respective offices until the election at the regular municipal election to be held in the Town of Tarboro on Tuesday after the first Monday in May, 1969, and the subsequent qualification of their respective successors in office pursuant to said amendments.

Sec. 9. If the majority of the electors of the Town of Tarboro voting at the election called and conducted, as hereinabove provided, vote "For the retention of the Present Form of Government, with a Mayor elected at large, eight Councilmen elected according to wards, and a Town Manager appointed by the Town Council, as presently provided in the Town Charter," as determined by the Board of Canvassers, said Chapter 531 shall not be amended and shall remain in full force and effect.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 116 **CHAPTER 846**

AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS OF ONE MUNICIPAL CORPORATION TO BE SENT TO ANOTHER MUNICIPAL CORPORATION IN CASE OF EMERGENCY.

The General Assembly of North Carolina do enact:

Section 1. The General Statutes are hereby amended by inserting, immediately after Section 160-20.1, a new Section to be numbered G. S. 160-20.2 and to read as follows:

"G. S. 160-20.2. Law Enforcement Officers of One Political Subdivision of the State of North Carolina to Assist the Law Enforcement Officers of any Other Political Subdivision Upon Request.

"(a) The governing body of any political subdivision of the State upon the request of the governing body of any other political subdivision of the State may send any law enforcement officer or officers to assist the law enforcement officers of such requesting political subdivision in the performance of their duties in cases of emergency. A complete record of the request and sending together with the names of the officers sent shall be recorded in the minutes of the next regular or special meeting of the governing bodies of both the requesting and the sending political subdivisions.

"(b) Such assistance shall be rendered only in emergencies, and such emergency shall be declared by the chief elected official of the requesting political subdivision, or, in his absence, the person normally acting in his stead in case of absence. Provided, however, that no political subdivision shall request or send law enforcement officers unless the requesting and sending political subdivisions have an agreement to do so, which agreement shall be spread upon the minutes of both governing bodies and duly signed. Such agreement may provide for the reimbursement to the sending political subdivision for the services of the law enforcement officers to be sent and any other expenses involved in such sending.

"(c) When law enforcement officers are sent to another political subdivision pursuant to this Section, the jurisdiction, authority, rights, privileges and immunities, including coverage under the Workmen's Compensation laws, which they have in the sending political subdivision shall be extended to and include the area in which like benefits and authorities are or could be afforded to the law enforcement officers of the requesting political subdivision and the area between the two political subdivisions when said officer or officers are acting within the scope of the authority conferred by this Section. When so sent they shall have the same authority to make arrests and to execute criminal process as is vested by law in the law enforcement officers of the requesting political subdivision, but this Section shall not extend the effect of the laws of the sending political subdivision."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 214

CHAPTER 847

AN ACT TO PROVIDE FOR CONTRIBUTION AMONG JOINT TORTFEASORS AND JOINT OBLIGORS.

The General Assembly of North Carolina do enact:

Section 1. A new chapter is hereby inserted in the General Statutes to read as follows:

"CHAPTER 1B

"CONTRIBUTION

"Article 1

"Uniform Contribution Among Tortfeasors Act

"§ 1B-1. Right to Contribution. (a) Except as otherwise provided in this Article, where two or more persons become jointly or severally liable in tort for the same injury to person or property or for the same wrongful death, there is a right of contribution among them even though judgment has not been recovered against all or any of them.

"(b) The right of contribution exists only in favor of a tortfeasor who has paid more than his pro rata share of the common liability, and his total recovery is limited to the amount paid by him in excess of his pro rata share. No tortfeasor is compelled to make contribution beyond his own pro rata share of the entire liability.

"(c) There is no right of contribution in favor of any tortfeasor who has intentionally caused or contributed to the injury or wrongful death.

"(d) A tortfeasor who enters into a settlement with a claimant is not entitled to recover contribution from another tortfeasor whose liability for the injury or wrongful death has not been extinguished nor in respect to any amount paid in a settlement which is in excess of what was reasonable.

"(e) A liability insurer, who by payment has discharged in full or in part the liability of a tortfeasor and has thereby discharged in full its obligation as insurer, succeeds to the tortfeasor's right of contribution to the extent of the amount it has paid in excess of the tortfeasor's pro rata share of the common liability. This provision does not limit or impair any right of subrogation arising from any other relationship.

"(f) This Article does not impair any right of indemnity under existing law. Where one tortfeasor is entitled to indemnity from another, the right of the indemnity obligee is for indemnity and not contribution, and the indemnity obligor is not entitled to contribution from the obligee for any portion of his indemnity obligation.

"(g) This Article shall not apply to breaches of trust or of other fiduciary obligation."

"§ 1B-2. Pro Rata Shares. In determining the pro rata shares of tortfeasors in the entire liability (a) their relative degree of fault shall not be considered; (b) if equity requires, the collective liability of some as a group shall constitute a single share; and (c) principles of equity applicable to contribution generally shall apply."

"§ 1B-3. Enforcement. (a) Whether or not judgment has been entered in an action against two or more tortfeasors for the same injury or wrongful death, contribution may be enforced by separate action.

"(b) Where a judgment has been entered in an action against two or more tortfeasors for the same injury or wrongful death, contribution may be enforced in that action by judgment in favor of one against other judgment defendants by motion upon notice to all parties to the action.

"(c) If there is a judgment for the injury or wrongful death against the tortfeasor seeking contribution, any separate action by him to enforce contribution must be commenced within one year after the judgment has become final by lapse of time for appeal or after final judgment is entered in the trial court in conformity with the decisions of the appellate court.

"(d) If there is no judgment for the injury or wrongful death against the tortfeasor seeking contribution, his right of contribution is barred unless he has either (1) discharged by payment the common liability within the statute of limitations period applicable to claimant's right of action against him and has commenced his action for contribution within one year after payment, (2) agreed while action is pending against him to discharge the common liability and has within one year after the agreement paid the liability and commenced his action for contribution, or (3) while action is pending against him, joined the other tortfeasors as third-party defendants for the purpose of contribution.

"(e) The recovery of judgment against one tortfeasor for the injury or wrongful death does not of itself discharge the other tortfeasors from liability to the claimant. The satisfaction of the judgment discharges the other tortfeasors from liability to the claimant for the same injury or wrongful death, but does not impair any right of contribution.

"(f) The judgment of the court in determining the liability of the several defendants to the claimant for the same injury or wrongful death shall be binding as among such defendants in determining their right to contribution."

"§ 1B-4. Release or Covenant Not to Sue. When a release or a covenant not to sue or not to enforce judgment is given in good faith to one of two or more persons liable in tort for the same injury or the same wrongful death:

(1) It does not discharge any of the other tortfeasors from liability for the injury or wrongful death unless its terms so provide; but it reduces the claim against the others to the extent of any amount stipulated by the release or the covenant, or in the amount of the consideration paid for it, whichever is the greater; and,

(2) It discharges the tortfeasor to whom it is given from all liability for contribution to any other tortfeasor."

"§ 1B-5. Uniformity of Interpretation. This Article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states that enact it."

"§ 1B-6. Short Title. This Article may be cited as the Uniform Contribution Among Tortfeasors Act."

"Article 2

"Judgment Against Joint Obligors or Joint Tortfeasors

"§ 1B-7. Payment of Judgment by One of Several. (a) In all cases in the courts of this State wherein judgment has been, or may hereafter

be, rendered against two or more persons or corporations, who are jointly and severally liable for its payment either as joint obligors or joint tort-feasors, and the same has not been paid by all the judgment debtors by each paying his pro rata share thereof, if one or more of the judgment debtors shall pay the judgment creditor, either before or after execution has been issued, the full amount due on said judgment, and shall have entered on the judgment docket in the manner hereinafter set out a notation of the preservation of the right of contribution, such notation shall have the effect of preserving the lien of the judgment and of keeping the same in full force as against any judgment debtor who does not pay his pro rata share thereof to the extent of his liability thereunder in law and equity. Such judgment may be enforced by execution or otherwise in behalf of the judgment debtor or debtors who have so preserved the judgment.

"(b) The entry on the judgment docket shall be made in the same manner as other cancellations of judgment, and shall recite that the same has been satisfied, released and discharged, together with all costs and interest, as to the paying judgment debtor, naming him, but that the lien of the judgment is preserved as to the other judgment debtors for the purpose of contribution. No entry of cancellation as to such other judgment debtors shall be made upon the judgment docket or judgment index by virtue of such payment.

"(c) If the judgment debtors disagree as to their pro rata shares of the liability, on the grounds that any judgment debtor is insolvent or is a nonresident of the State and cannot be forced under the execution of the court to contribute to the payment of the judgment, or upon other grounds in law and equity, their shares may be determined upon motion in the cause and notice to all parties to the action. Issues of fact arising therein shall be tried by jury as in other civil actions."

"Article 3

"Cross Claims and Joinder of Third Parties for Contribution

"§ 1B-8. Cross Claims and Joinder of Third Parties. (a) A joint tortfeasor who is a party to an action may file a cross claim for contribution or indemnity from any other joint tortfeasor who is a party.

"(b) At any time before judgment is obtained a defendant tortfeasor, as a third-party plaintiff, may upon motion cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. If the motion is granted and the summons and complaint are served, the person so served, hereinafter called the third-party defendant, shall make his defenses to the third-party plaintiff's claim and his counterclaims against the third-party plaintiff and cross claims against other third-party defendants. A third-party defendant may proceed under this subsection against any person not a party to the action who is or may be liable to him as a joint tortfeasor for all or a part of the claim made in the action against the third-party defendant."

Sec. 2. G. S. 1-240 and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3½. The provisions of this Act shall not apply to litigation pending on the effective date of this Act.

Sec. 4. This Act shall be in full force and effect from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 227 CHAPTER 848

AN ACT TO PROVIDE FOR ALIMONY AND SUPPORT PAYMENTS TO BE PAID TO AND DISBURSED BY COUNTY DIRECTORS OF PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 49-8, as it appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by adding a new subsection therein, immediately following subsection (5), to be designated subsection (6) and to read as follows:

"(6) Order the defendant to make any payments required under this Chapter to a county director of public welfare and order the director to disburse the funds in accordance with the orders of the court."

Sec. 2. Chapter 50 of the General Statutes, as it appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by adding a new Section therein, to be designated 50-19 and to read as follows:

"§ 50-19. Order for Payments to Director of Public Welfare. The court may, in its discretion, order that any alimony or support payments, required by the court in accordance with this Chapter, be made to a county director of public welfare and may order the director to disburse the funds in accordance with the orders of the court."

Sec. 3. Article 40 of Chapter 14 of the General Statutes, as it appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding a new subsection therein, immediately following G. S. 14-326.1, to be designated G. S. 14-326.2 and to read as follows:

"§ 14-326.2. Order for Payments to Director of Public Welfare. The court may, in its discretion, order that any support payments, required by the court in accordance with this Article, be paid to a county director of public welfare and may order the director to disburse the funds in accordance with the orders of the court."

Sec. 4. This Act shall apply to Person County only.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 388 **CHAPTER 849**

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARD OF EDUCATION OF YADKIN COUNTY TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The hereinafter named persons are hereby appointed members of the County Board of Education of Yadkin County:

Odell Groce of Booneville, North Carolina, for a term of two years, and Mary Jo Zachary for a term of four years.

Sec. 2. The members of the County Board of Education appointed by this Act shall qualify by taking the oath of office within 30 days after the effective date of this Act and shall hold office until the first Monday in April 1969 and the first Monday in April 1971 respectively, and until their successors are elected and qualified, and together with the members of the Board of Education whose terms will not expire on the first Monday in April 1967, and together with any other member or members appointed by the General Assembly of 1967 shall constitute the Board of Education of Yadkin County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 389 **CHAPTER 850**

AN ACT TO APPOINT CERTAIN MEMBERS OF THE BOARD OF EDUCATION OF WILKES COUNTY AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The hereinafter named persons are hereby appointed members of the County Board of Education of Wilkes County:

John Wesley Bryan, Jr., for a term of six years, and Fred Myers for a term of four years.

Sec. 2. The members of the County Board of Education appointed by this Act shall qualify by taking the oath of office within 30 days after the effective date of this Act and shall hold office until the first Monday in April 1973 and the first Monday in April 1971 respectively, and until their successors are elected and qualified, and together with the members of the Board of Education whose terms will not expire on the first Monday in April 1967, and together with any other member or members appointed by the General Assembly of 1967 shall constitute the Board of Education of Wilkes County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 409 **CHAPTER 851**

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA SO AS TO REQUIRE THAT ABSENTEE BALLOTS BE CERTIFIED BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS AS BEING ISSUED TO A REGISTERED VOTER OF SUCH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-229(b) 1. is amended by deleting the entire subsection and inserting in lieu thereof the following:

"1. On one side shall be printed an identified space in which shall be inserted the application number of the voter and the following statement which shall be certified by one member of the county board of elections:

Certification of Election Official

The undersigned election official does by his hand and seal certify that ..... is a registered and qualified voter of ..... County Precinct # ..... and has made proper application to vote under the Absentee Ballot Law of North Carolina.

.....(SEAL)

Chairman-Member"

Sec. 2. G. S. 163-234 subparagraph 1. is amended by inserting in line six thereof after the word "seal" and before the comma the following:

"or the certification of a member of the county board of elections is not complete or is not in compliance with the provisions of G. S. 163-229(b) 1."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 465 **CHAPTER 852**

AN ACT TO AMEND CHAPTER 24 OF THE GENERAL STATUTES AS IT RELATES TO RESIDENTIAL LOANS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 24 of the General Statutes is amended by adding a new Section immediately following G. S. 24-9 to be designated as G. S. 24-10 and to read as follows:

"§ 24-10. Residential Loans. Notwithstanding any other provisions of this Chapter or any other provisions of the law, any borrower may agree to pay, and any lender may charge and collect from such borrower, interest at any rate agreed upon in writing in excess of six per cent (6%) but not in excess of seven per cent (7%) per annum simple interest on the unpaid principal balance where such loan is either a direct reduction loan or a construction loan and such loan in either instance is secured by

a mortgage or deed of trust upon residential property. As to such loan, the penalty and forfeiture of interest imposed under G. S. 24-2 shall not be available in any manner whatsoever to the borrower or anyone else in the borrower's behalf, nor shall the principal or any part thereof be impaired or forfeited. Any loan made pursuant to the provisions of this Section may be prepaid in part or in full, after 30 days notice to the lender, with a maximum prepayment penalty of one per cent (1%) of the outstanding principal balance at any time within one year after the first payment on principal, and thereafter, there shall be no prepayment penalty. As used in this Section:

(a) The term 'direct reduction loan' shall mean a loan repayable in consecutive installments payable at least quarterly, equal or unequal, beginning not later than 90 days after execution of the note by the borrower, sufficient to retire the debt including interest and principal, within the time specified, provided no subsequent installment payment of principal and interest shall be greater than any previous installment payment of principal and interest, except that provisions may be contained in such loan which specify that one or more consecutive installments may be lapsed to the extent that installments have been made ahead of schedule, or in the event of an emergency to the borrower affecting his ability to pay, to the extent of no more than the installments becoming due in the next 180 days but nevertheless the full amount of principal and interest shall be paid within the scheduled term of the loan plus any extensions granted the borrower for emergencies as above provided. Provided, however, in the case of a construction loan the first installment shall be payable not later than 18 months after execution of the note by the borrower. Providing further, however, interest on any loan made under the provisions of this Section shall be charged only on the principal balance due after each installment payment.

(b) 'Construction' loan means a loan which is obtained for the purpose of financing, fully or in part, the cost of constructing one or more residential dwellings, and by the terms of a written contract between a lender and the borrower loan proceeds are to be disbursed periodically as such construction work progresses and such loans shall be payable in full not later than 18 months after execution of the note by the borrower, except where the borrower has secured a direct reduction loan with deferred first payment date as above provided.

(c) The term 'residential property' shall mean real estate upon which there is located, or is to be located by construction thereon, one or more single family dwellings, or dwelling units for not more than four families in the aggregate."

Sec. 1.1. No lender shall charge or receive from any borrower or any agent for a borrower, or from any agent, seller, or broker, any fee or discount which inures to the benefit of the lender, which fees or discounts in the aggregate, shall be in excess of one per cent (1%) of the principal amount of the loan for any loan made under the provisions of this Act.

Sec. 1.2. The provisions of this Act shall not apply to any loan made prior to the effective date of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 544 CHAPTER 853

AN ACT TO AMEND CHAPTER 93A OF THE NORTH CAROLINA REAL ESTATE LICENSING BOARD, THE QUALIFICATIONS OF REAL ESTATE BROKERS, AND THE GROUNDS FOR REVOCATION OF LICENSES.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph (a) of Section 93A-3 of the General Statutes is amended by striking therefrom in line 4 the word "only" following the word "that" and preceding the word "two".

Sec. 2. Subparagraph (a) of Section 93A-4 of the General Statutes is amended by adding in line 4 after the period marking the end of the sentence ending with the word "Board" and before the sentence beginning with the word "Each" the following:

"Each applicant for a license as a real estate broker shall be a citizen of the United States and shall be at least 21 years of age. Each applicant for a license as a real estate broker shall have been actively engaged as a licensed real estate salesman in this State for at least six months prior to making application for a license as a real estate broker, or shall furnish evidence satisfactory to the Board of experience in real estate transactions or the completion of a study or a combination of experience and study of real estate transactions which the Board shall find equivalent to such six months experience as a licensed real estate salesman."

Sec. 3. Subparagraph (a) of Section 93A-6 of the General Statutes is amended by adding in line 9 following the word "license" and before the word "or" a comma and the following:

"or has been convicted or has entered a plea of nolo contendere upon which a finding of guilty and final judgment has been entered in a court of competent jurisdiction in this State or in any other state of the criminal offense of embezzlement, obtaining money under false pretenses, forgery, conspiracy to defraud or any similar offense or offenses involving moral turpitude."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 594 **CHAPTER 854**

AN ACT TO EXTEND COVERAGE UNDER MOTOR VEHICLE LIABILITY POLICIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.21(e) is hereby rewritten to read as follows: "Such motor vehicle liability policy need not insure against loss from any liability for which benefits are in whole or in part either payable or required to be provided under any workmen's compensation law nor any liability for damage to property owned by, rented to, in charge of or transported by the insured."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 609 **CHAPTER 855**

AN ACT TO PROVIDE FOR RIGHTS OF ACTION FOR DOMICILARIES OF NORTH CAROLINA DAMAGED IN STATES DENYING SUCH RIGHTS OF ACTION ALTHOUGH ALLOWED UNDER NORTH CAROLINA LAW.

The General Assembly of North Carolina do enact:

Section 1. A husband and wife shall have a cause of action against each other to recover damages for personal injury, property damage or wrongful death arising out of acts occurring outside of North Carolina, and such action may be brought in this State when both were domiciled in North Carolina at the time of such acts.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 616 **CHAPTER 856**

AN ACT ABOLISHING CHARITABLE IMMUNITY AS A DEFENSE.

The General Assembly of North Carolina do enact:

Section 1. That the common law defense of charitable immunity is abolished and shall not constitute a valid defense to any action or cause of action arising subsequent to the effective date of this Act.

Sec. 2. This Act shall be in full force and effect on and after September 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 691 **CHAPTER 857**

AN ACT TO AMEND G. S. 20-309(c), 20-309(e), 20-310, AND 20-311 TO REMOVE THE REQUIREMENT THAT OPERATORS LICENSE BE SUSPENDED WHEN FINANCIAL RESPONSIBILITY IS NOT IN EFFECT, TO INCREASE THE PERIOD OF REVOCATION OF VEHICLE REGISTRATION WHEN FINANCIAL RESPONSIBILITY IS NOT IN EFFECT AND TO CLARIFY PROCEDURES FOR SURRENDER OF REGISTRATION PLATES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-309, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the words "and suspend his operator's license for 30 days" appearing in line 6 and inserting in lieu thereof the words "for 60 days", and by deleting the figures "30" appearing in line 10 and inserting in lieu thereof the figures "60", and by deleting in line 10 the words, "and operator's license".

Sec. 2. Subsection (e) of G. S. 20-309, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by deleting the fourth sentence beginning with the words "Failure by the owner" appearing in lines 12 and 13 and ending with the words "for 30 days" appearing in line 18, and inserting in lieu thereof the following: "Failure by the owner to certify that he has financial responsibility as herein required shall be prima facie evidence that no financial responsibility exists with regard to the vehicle concerned and, unless the owner's registration plate has been surrendered to the Department of Motor Vehicles by surrender to an agent or representative of the Department of Motor Vehicles and so designated by the Commissioner of Motor Vehicles or depositing the same in the United States mail, addressed to the Department of Motor Vehicles, Raleigh, North Carolina, the Department of Motor Vehicles shall revoke the owner's registration plate for 60 days.", and by deleting the figures "30" appearing in line 21 and inserting in lieu thereof the figures "60", and by deleting in line 22 the words "and operator's license."

Sec. 3. Subsection (a) of G. S. 20-310, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting the words "license plate and suspension of driver's license" appearing in line 13 and inserting in lieu thereof the words "registration plate", and by deleting the words and figures "thirty (30)" appearing in line 13 and inserting in lieu thereof the figures "60".

Sec. 4. G. S. 20-311, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by deleting from the Section title the words "and driver's license". and by deleting the words "and suspend the operator's and chauffeur's licenses of the owner thereof for a period of thirty (30) days" appearing in lines 5 and 6 and inserting in lieu thereof the words "for 60 days", and by deleting the words "the operator's or chauffeur's license of such owner be reinstated nor shall" appearing in line 7 thereof, and by deleting the words and figures "thirty (30)" appearing in line 10 and inserting in lieu thereof the figures "60",

and by deleting the words "and operator's or chauffeur's license" appearing in line 11.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 717 CHAPTER 858

AN ACT TO AMEND G. S. 113-104 SO AS TO PERMIT HUNTING OF SQUIRRELS AND RABBITS WITH PISTOLS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-104 is hereby amended by striking out the period following the word "pheasants" in line 22, inserting a semicolon in lieu thereof, and adding the following words: "provided that pistols with barrels not less than six inches in length and a muzzle velocity of not under 1100 feet per second and bullet weight of not less than 35 grains or more than 70 grains may be used in the hunting or taking of squirrels or rabbits on one's own land or on land in one's legal possession, or on lands of another where expressed permission has been granted therefor".

Sec. 2. This Act shall apply to the following Counties only: Madison, Yancey, Haywood, Buncombe, Caldwell, Alexander, Cherokee, Clay, Graham, Macon, Cleveland, Polk, Rutherford, Mitchell and Transylvania.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 753 CHAPTER 859

AN ACT TO CONFER IMMUNITY ON PHYSICIANS AND PATHOLOGISTS WHO REPORT DIAGNOSES OF CANCER TO LOCAL HEALTH DIRECTORS AND THE STATE BOARD OF HEALTH.

The General Assembly of North Carolina do enact:

Section 1. Article 17 of Chapter 130 of the General Statutes is amended by adding a new Section thereto, to be designated § 130-184.2, and to read as follows:

"§ 130-184.2. Immunity of Physicians and Pathologists Who Report Cancer. Any physician or pathologist who makes a report, pursuant to this Article, to a local health director or to the State Board of Health shall be immune from any civil or criminal liability that might otherwise be incurred or imposed for so doing, unless such person acted in bad faith or with malicious purpose."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 796 CHAPTER 860

AN ACT TO REWRITE CHAPTER 143, ARTICLE 8, GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143, Article 8, is hereby rewritten as follows:

ARTICLE 8

PUBLIC BUILDING CONTRACTS

§ 143-128. Separate Specifications for Building Contracts; Responsible Contractors. Every officer, board, department, commission or commissions charged with the duty of preparing specifications or awarding or entering into contracts for the erection, construction or altering of buildings for the State, or for any county or municipality, when the entire cost of such work shall exceed twenty thousand dollars ($20,000.00), must have prepared separate specifications for each of the following branches of work to be performed:

(1) Heating, ventilating and/or air conditioning and accessories separately or combined into one conductive system.

(2) Plumbing and gas fittings and accessories.

(3) Electrical installations.

(4) Refrigeration for cold storage where the cooling load is 15 tons or more of refrigeration.

All such specifications must be so drawn as to permit separate and independent bidding upon each of the classes of work enumerated in the above subdivisions. All contracts hereafter awarded by the State or by a county or municipality, or a department, board, commissioner, or officer thereof, for the erection, construction or alterations of buildings, or any parts thereof, shall award the respective work specified in the above subdivisions separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. When the estimated cost of work to be performed in any single subdivision is less than two thousand five hundred ($2,500.00), the same may be included in one of the several other contracts, irrespective of total project cost.

Each separate contractor shall be directly liable to the State of North Carolina, or to the county or municipality, and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this Section, the wording, "separate contractor" is hereby deemed and held to mean any person, firm or corporation who shall enter into a contract with the State, or with any county or municipality, for the erection, construction or alteration of any building or buildings, or parts thereof.

§ 143-129. Procedure for Letting of Public Contracts; Purchases from Federal Government by State, Counties, etc. No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than seven thousand five hundred dollars ($7,500.00) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than two thousand dollars ($2,000.00), except in cases of special emergency involving the health and safety of the people or their property, shall be performed, nor shall any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any county, city, town, or other subdivision of the State, unless the provisions of this Section are complied with.

Advertisement of the letting of such contracts shall be as follows:

Where the contract is to be let by a board or governing body of the State government, or of a State institution, as distinguished from a board or governing body of a subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the State of North Carolina. Provided that the advertisements for bidders required by this Section shall be published at a time at least seven full days shall elapse between the date of publication of notice and the date of the opening of bids.

Where the contract is to be let by a county, city, town or other subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in such county, city, town or other subdivision; provided, if there is no newspaper published in the county and the estimated cost of the contract is less than seven thousand five hundred dollars ($7,500.00), such advertisement may be either published in some newspaper as required herein or posted at the courthouse door, not later than one week before the opening of the proposals in answer thereto, and in the case of a city, town or other subdivisions wherein there is no newspaper published and the estimated cost of the contract is less than seven thousand five hundred dollars ($7,500.00), such advertisement may be either published in some newspaper as required herein or posted at the courthouse door of the county in which such city, town or other subdivision is situated, and at least one public place in such city, town or other subdivision.

Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening of the proposals, and shall reserve to said board or governing body the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or subdivision thereof shall assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and shall be recorded on the minutes of the board or governing body and the award shall be made to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. In the event the lowest responsible bids are in excess of the funds available for the project, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specification as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal shall be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five per cent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond, and upon failure to forthwith make payment the surety shall pay to the obligee an amount equal to double the amount of said bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein.

Bids shall be sealed if the invitation to bid so specifies and, in any event, the opening of a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a general misdemeanor.

All contracts to which this Section applies shall be executed in writing, and the board or governing body shall require the person to whom the award of contract is made to furnish bond in some surety company authorized to do business in the State or require a deposit of money, certified check or government securities for the full amount of said contract for the faithful performance of the terms of said contract; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond, and the board or governing body. Such surety bond

or securities required herein shall be deposited with the treasurer of the branch of government for which the work is to be performed until the contract has been carried out in all respects: Provided, that in the case of contracts for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for the deposit of a surety bond or securities as required herein.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivision of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

Nothing in this Section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or Federal government.

Any board or governing body of the State or of any institution of the State government or of any county, city, town, or other subdivision of the State may enter into any contract with (i) the United Sates of America or any agency thereof, or (ii) any other government unit or agency thereof within the United States, for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without regard to the foregoing provisions of this Section or to the provisions of any other Section of this Article.

The Director of the Department of Administration or the governing board of any county, city, town, or other subdivision of the State may designate any officer or employee of the State, county, city, town or subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment or other property owned by (i) the United States of America or any agency thereof, or (ii) any other governmental unit or agency thereof within the United States, and may authorize such officer or employee to make any partial or down payment or payment in full that may be required by regulations of the government or agency disposing of such property.

§ 143-130. Allowance for Convict Labor Must Be Specified. In cases where the board or governing body of a State agency or of any political subdivision of the State may furnish convict or other labor to the contractor, manufacturer, or others entering into contracts for the performance of construction work, installation of apparatus, supplies, materials or equipment, the specifications covering such projects shall carry full information as to what wages shall be paid for such labor or the amount of allowance for same.

§ 143-131. When Counties, Cities, Towns and Other Subdivisions May Let Contracts on Informal Bids. All contracts for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment,

involving the expenditure of public money in the amount of five hundred dollars ($500.00) or more, but less than the limits prescribed in G. S. 143-129, made by any officer, department, board, or commission of any county, city, town, or other subdivision of this State shall be made after informal bids have been secured. All such contracts shall be awarded to the lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract. It shall be the duty of any officer, department, board, or commission entering into such contract to keep record of all bids submitted, and such record shall be subject to public inspection at any time.

§ 143-132. Minimum Number of Bids for Public Contracts. No contracts to which G. S. 143-129 applies for construction or repairs shall be awarded by any board or governing body of the State, or any subdivision thereof, unless at least three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective lines of endeavor; however, this Section shall not apply to contracts which are negotiated as provided for in G. S. 143-129. Provided that if after advertisement for bids as required by G. S. 143-129, not as many as three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective lines of endeavor, said board or governing body of the State agency or of a county, city, town or other subdivision of the State shall again advertise for bids; and if as a result of such second advertisement, not as many as three competitive bids from reputable and qualified contractors are received, such board or governing body may then let the contract to the lowest responsible bidder submitting a bid for such project, even though only one bid is received.

§ 143-133. No Evasion Permitted. No bill or contract shall be divided for the purpose of evading the provisions of this Article.

§ 143-134. Applicable to State Highway Commission and Prison Department; Exceptions. This Article shall apply to the State Highway Commission and the Prison Department except in the construction of roads, bridges and their approaches; provided however, that whenever the Director of the Budget determines that the repair or construction of a building by the State Highway Commission or by the Prison Department can be done more economically through use of employees of the State Highway Commission, and/or prison inmates than by letting such repair or building construction to contract, the provisions of this Article shall not apply to such repair or construction.

§ 143-134.1. Interest on Final Payments Due to Prime Contractors. On all public construction contracts which are let by a board or governing body of the State government or any political subdivision thereof, except the construction of roads, highways, bridges and their approaches, the balance due prime contractors shall be paid in full within 45 days after respective prime contracts of the project have been accepted by the owner, certified by the architect, engineer or designer to be completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed, whichever occurs first. Provided, however, that whenever the architect or consulting engineer in charge of the project determines that delay in completion of

the project in accordance with terms of the plans and specifications is the fault of the contractor, the project may be occupied and used for the purposes for which it was constructed without payment of any interest on amounts withheld past the 45 day limit. No payment shall be delayed because of the failure of another prime contractor on such project to complete his contract. Should final payment to any prime contractor beyond the date such contracts have been certified to be completed by the designer or architect, accepted by the owner, or occupied by the owner and used for the purposes for which the project was constructed, be delayed by more than 45 days, said prime contractor shall be paid interest, beginning on the 46th day, at the rate of six per cent (6%) per annum on such unpaid balance as may be due. Funds for payment of such interest on State-owned projects shall be obtained from the current budget of the owning department, institution, or agency. Where a conditional acceptance of a contract exists, and where the owner is retaining a reasonable sum pending correction of such conditions, interest on such reasonable sum shall not apply.

§ 143-135. Limitation of Application of Article. This Article shall not apply to the State or to subdivisions of the State of North Carolina in the expenditure of public funds when the total cost of any repairs, completed project, building, or structure shall not exceed the sum of twenty-five thousand dollars ($25,000.00), if the repairs, completed project, building, or structure are performed or accomplished by or through duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned; provided, that such force account work shall be subject to the approval of the Director of the Department of Administration in the case of State agencies, or approval of the responsible commission, council or board in the case of subdivisions of the State.

§ 143-135.1. State Buildings Exempt From Municipal Building Requirements; Consideration of Recommendations by Municipalities. Buildings constructed by the State of North Carolina or any agency or institution of the State under plans and specifications approved by the Department of Administration shall not be subject to inspection by any municipal authorities and shall not be subject to municipal building codes and requirements. Inspection fees fixed by municipalities shall not be applicable to such construction, except where inspection by municipal authorities is requested by the owning agency. Municipal authorities may, however, inspect any plans or specifications for any such construction and all recommendations made by them with respect thereto shall be given careful consideration by the Department of Administration.

§ 143-135.2. Contracts for Restoration of Historic Buildings With Private Donations. This Article shall not apply to building contracts let by a State agency for restoration of a historic building or structure where the funds for the restoration of such building or structure are provided entirely by funds donated from private sources.

§ 143-135.3. Procedure for Settling Controversies Arising From Contracts; Civil Actions on Disallowed Claims. Upon completion of any contract for construction or repair work awarded by any State board to any contractor, under the provisions of this Article, should the contractor fail

to receive such settlement as he claims to be entitled to under terms of his contract, he may, within 60 days from the time of receiving written notice as to the disposition to be made of his claim, submit to the Director of the Department of Administration a written and verified claim for such amount as he deems himself entitled to under the terms of said contract, setting forth the facts upon which said claim is based. In addition, the claimant, either in person or through counsel, may appear before the Director of the Department of Administration and present any additional facts and arguments in support of his claim. Within 90 days from the receipt of the said written claim, the Director of the Department of Administration shall make an investigation of the claim and may allow all or any part or may deny said claim and shall have the authority to reach a compromise agreement with the contractor and shall notify the contractor in writing of his decision.

As to such portion of the claim which may be denied by the Director of the Department of Administration, the contractor may, within six months from receipt of the decision, institute a civil action for such sum as he claims to be entitled to under said contract by the filing of a verified complaint and issuance of summons in the Superior Court of Wake County or in the Superior Court of any county wherein the work under said contract was performed. The procedure shall be the same as in all civil actions except as herein and as hereinafter set out.

All issues of law and fact and every other issue shall be tried by the judge, without jury; provided that the matter may be referred in the instances and in the manner provided for in Article 20 of Chapter 1 of the General Statutes.

The submission of the claim to the Director of the Department of Adminstration within the time set out in this Section and the filing of an action in the Superior Court within the time set out in this Section shall be a condition precedent to bringing an action under this Section and shall not be a statute of limitations.

The provisions of this Section shall be deemed to enter into and form a part of every contract entered into between any board of the State and any contractor, and no provision in said contracts shall be valid that is in conflict herewith.

The word "board" as used in this Section shall mean the State of North Carolina or any board, bureau, commission, institution, or other agency of the State, as distinguished from a board or governing body of a subdivision of the State.

"A contract for construction or repair work", as used in this Section, is defined as any contract for the construction of buildings and appurtenances thereto, including, but not by way of limitation, utilities, plumbing, heating, electrical, air conditioning, elevator, excavation, grading, paving, roofing, masonry work, tile work and painting, and repair work.

§ 143-135.4. Nothing contained in this Article shall be construed as contravening or repealing any authorities given by statute to the Purchase and Contract Division of the Department of Administration.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 907 CHAPTER 861

AN ACT TO PROVIDE FOR THE EFFECTIVENESS OF AFTER-ACQUIRED PROPERTY CLAUSES AFFECTING REAL ESTATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 47 of the General Statutes is hereby amended by inserting therein, immediately after § 47-20, the following Section:

"§ 47-20.1. Real Property; Effectiveness of After-Acquired Property Clause. (a) As used in this Section, 'after-acquired property clause' means any provision or provisions in an instrument which create a security interest in real property acquired by the grantor of the instrument subsequent to its execution.

"(b) As used in this Section, 'after-acquired property', and 'property subsequently acquired' mean any real property which the grantor of a security instrument containing an after-acquired property clause acquires subsequent to the execution of such instrument, and in which the terms of the after-acquired property clause would create a security interest.

"(c) An after-acquired property clause is effective to pass after-acquired property as against lien creditors or purchasers for a valuable consideration from the grantor of the instrument containing the after-acquired property clause only from the time of registration of the instrument as provided in this Article. It is then effectively registered as to real property subsequently acquired for a period of not more than five years from such registration, unless there is an extension as provided in subsection (d); provided, however, that such five-year limitation shall not apply to an after-acquired property clause in an instrument which creates a security interest made by a public utility as defined in G. S. 62-3(23) or by electric or telephone membership corporations incorporated or domesticated in North Carolina.

"(d) The effectiveness of the registration of an after-acquired property clause may be extended by the registration of a notice of extension. A notice of extension may be registered within six months prior to the expiration of the five-year period specified in subsection (c). Upon the timely registration of a notice of extension, the effectiveness of the registration of the after-acquired property clause is continued for five years after the last date to which the registration was effective, whereupon it becomes ineffective as provided in subsection (c) unless another notice of extension is registered.

"(e) The notice of extension shall

(1) Show that effective registration of the after-acquired property clause is extended,

(2) Include the names of the parties to the instrument containing the after-acquired property clause,

(3) Refer to the book and page where the instrument containing the after-acquired property clause is registered, and

(4) Be signed by the grantee or the person secured by the instrument containing the after-acquired property clause or his successor in interest.

"(g) The Register of Deeds shall index the notice of extension in the same manner as the instrument containing the after-acquired property clause."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective at midnight on June 30, 1967. It applies to all instruments registered after that date.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 955 CHAPTER 862

AN ACT TO AMEND G. S. 20-114(c) TO PROMOTE UNIFORMITY OF NOTICE TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRED IN JUDICIAL SALES OF MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-114, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting after the word "notice" appearing in line 7 the following words "on a form approved by the Commissioner."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 956 CHAPTER 863

AN ACT TO AMEND G. S. 20-52.1 TO CLARIFY AND PRESCRIBE THE MANNER IN WHICH DEALERS PASS TITLE TO NEW VEHICLES TO CONSUMERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (c) of G. S. 20-52.1, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby rewritten to read as follows:

"(c) Upon sale of a new vehicle by a dealer to a consumer-purchaser, the dealer shall execute in the presence of a person authorized to administer oaths an assignment of the manufacturer's certificate of origin for the vehicle, including in such assignment the name and address of the transferee, and no title to a new motor vehicle acquired by a dealer under the provisions of subsection (a) and (b) of this Section shall pass or vest until such assignment is executed and the motor vehicle delivered to the transferee.

"Any dealer transferring title to, or an interest in, a new vehicle shall deliver the manufacturer's certificate of origin duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except that where a security interest is obtained in the motor vehicle from the transferee in payment of the purchase price or otherwise, the transferor shall deliver the manufacturer's certificate of origin to the lienholder and the lienholder shall forthwith forward the manufacturer's certificate of origin together with the transferee's application for certificate of title and necessary fees to the Department. Any person who delivers or accepts a manufacturer's certificate of origin assigned in blank shall be guilty of a misdemeanor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 959 CHAPTER 864

AN ACT TO PROVIDE FOR THE JOINT OWNERSHIP OF CORPORATE STOCK AND INVESTMENT SECURITIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 25 of the General Statutes of North Carolina is hereby amended by inserting the following Section:

"G. S. 25-8-407. Joint Ownership of Corporate Stock and Investment Securities. (a) In addition to other forms of ownership, shares of corporate stock or investment securities may be owned by a husband and wife as joint tenants with the right of survivorship, and not as tenants in common, in the manner provided in this Section.

"(b) (1) A joint tenancy in shares of corporate stock or investment securities as provided by this Section shall exist when such shares or securities indicate that they are owned with the right of survivorship, or otherwise clearly indicate an intention that upon the death of either spouse the interest of the decedent shall pass to the surviving spouse.

"(2) Such a joint tenancy may also exist when a broker or custodian holds the shares or securities for the joint tenants and by book entry or otherwise indicates (i) that the shares or securities are owned with the right of survivorship, or (ii) otherwise clearly indicates that upon the death of either spouse the interest of the decedent shall pass to the surviving spouse. Money in the hands of such broker of custodian derived from the sale of, or held for the purchase of, such shares or securities shall be treated in the same manner as such shares or securities.

"(c) Upon the death of a joint tenant his interest shall pass to the surviving joint tenant. The interest of the deceased joint tenant, even though it has passed to the surviving joint tenant, remains liable for the debts of the decedent in the same manner as the personal property included in his estate, and recovery thereof shall be made from the surviving joint tenant when the decedent's estate is insufficient to satisfy such debts.

"(d) Nothing herein contained shall be construed to repeal or modify

any of the provisions of G. S. 105-2, G. S. 105-11, and G. S. 105-24, relating to the administration of the inheritance tax laws, or any other provisions of the law relating to inheritance taxes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after October 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 967 CHAPTER 865

AN ACT TO AMEND G. S. 105-37.1, RELATING TO CERTAIN GROSS RECEIPTS TAXES ON AMUSEMENTS, SO AS TO EXEMPT ENTERTAINMENTS OR AMUSEMENTS PRESENTED ON THE CHEROKEE INDIAN RESERVATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-37.1 is hereby amended by adding a new subsection at the end thereof, to be designated as subsection (c) and to read as follows:

"(c) No tax shall be collected pursuant to this Section with respect to entertainments or amusements offered or given on the Cherokee Indian Reservation when the person, firm or corporation giving, offering or managing such entertainment or amusement is authorized to do business on the Reservation and pays the tribal gross receipts levy to the Tribal Council."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1033 CHAPTER 866

AN ACT TO REPEAL G. S. 20-279.17 RELATING TO PROOF OF FINANCIAL RESPONSIBILITY UPON CERTAIN CONVICTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.17, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1084 **CHAPTER 867**

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES SO AS TO AUTHORIZE THE SALE OF BEER AND WINE TO NONRESIDENT WHOLESALERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-67 is hereby amended by adding a proviso after the word "section" in line 12 to read as follows:

"Provided, that pursuant to the rules and regulations of the State Board of Alcoholic Control, the sale of beverages enumerated in G. S. 18-64 to nonresident wholesalers is authorized when the purchase is not for resale in this State."

Sec. 2. G. S. 18-128.1 is hereby amended by changing the period at the end thereof to a comma and adding the following:

"or, pursuant to the rules and regulations of the State Board of Alcoholic Control, selling to nonresident wholesalers when the purchase is not for resale in this State."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1086 **CHAPTER 868**

AN ACT TO AMEND SECTION 39.2 OF CHAPTER 18 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO THE AUTHORITY OF LOCAL LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Amend Section 39.2 of Chapter 18 of the General Statutes of North Carolina by numbering the existing first paragraph "(a)" and by adding a new paragraph to be numbered "(b)" and to read as follows:

"(b) Within their respective jurisdictions, all sheriffs, deputy sheriffs, municipal police and local Alcoholic Beverage Control officers shall have authority to investigate the operation of premises licensed under the provisions of G. S. 18-51(3), (4) and (5), and to procure evidence with respect to violations of this Article, or any rule or regulation promulgated pursuant thereto. These law enforcement officers shall have the right to enter the licensed premises in the performance of their duties at any hour of the day or night."

Sec. 2. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1102 **CHAPTER 869**

AN ACT TO AMEND CHAPTER 15 OF THE GENERAL STATUTES TO AUTHORIZE SUPERIOR AND DISTRICT COURT JUDGES TO MAKE DETERMINATIONS OF INDIGENCY, APPOINT COUNSEL, AND FIX COUNSEL FEES IN PRELIMINARY EXAMINATIONS IN FELONY CASES.

The General Assembly of North Carolina do enact:

Section 1. A new Section is added to Article 1, Chapter 15, of the General Statutes, to read as follows:

"G. S. 15-5.4. Superior and District Court Judges Authorized to Appoint Counsel to Represent Indigents at Preliminary Examinations in Felony Cases; Counsel Fees. In order to expedite the administration of criminal justice, superior and district court judges are also authorized, in felony cases only, to make determinations of indigency and to appoint counsel, under the provisions of G. S. 15-4.1 and G. S. 15-5.1, to represent defendants at preliminary examinations. An attorney, appointed under the authority of this Section, who represents an accused at a preliminary examination at which no probable cause is found, is entitled to a fee to be fixed by the district court judge pursuant to G. S. 15-5. If probable cause is found, the attorney's fee for services rendered at the preliminary hearing will be fixed by the superior court judge who presides at the trial, or other disposition, of the charges.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1103 **CHAPTER 870**

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COUNSEL FOR INDIGENT JUVENILES AT DELINQUENCY HEARINGS, AND TO PROVIDE FOR THE COMPENSATION OF COUNSEL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 110, Article 2, of the General Statutes is amended by inserting therein a new Section, to be numbered Section 110-29.1, to read as follows:

Sec. 110-29.1. Appointment of Counsel for Indigent Children in Delinquency Proceedings; Compensation of Counsel. Any judge authorized to conduct hearings in juvenile court matters, shall, prior to conducting a hearing pursuant to G. S. 110-29, in which a finding of delinquency and commitment to an institution is possible, inform the child and his parent or parents that the child is entitled to representation by counsel, and that if they are financially unable to retain counsel, the court will appoint counsel to represent the child. Determination of indigency shall be made under the standards established in G. S. 15-5.1 for indigency in adult

cases. The fee for appointed counsel shall be fixed by the judge who conducts the hearing, and shall be paid under the same procedures and from the same fund as fees for counsel appointed in adult indigent cases. To assure a reasonable degree of uniformity in fees for appointed counsel in juvenile cases, the Administrative Officer of the Courts is authorized to promulgate, subject to the approval of the Supreme Court, rules for the guidance of juvenile court judges in fixing fees under this Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1104 CHAPTER 871

AN ACT TO EXEMPT FROM STATE INCOME TAX BENEFITS FROM FIREMEN'S RETIREMENT AND PENSION FUNDS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-141 is hereby amended by adding a new subdivision at the end of subsection (b) thereof to be designated "(12)" and to read as follows:

"(12) The amounts received in lump sum or monthly payments of benefits from retirement and pension funds established for firemen by or under the control of cities or counties located in North Carolina; provided, that such amounts shall be exempt from income tax only if they would have been exempt under the provisions of either G. S. 143-166 (relating to the Law Enforcement Officers' Benefit and Retirement Fund) or G. S. 128-31 (relating to North Carolina Local Governmental Employee's Retirement Fund) if such cities or counties had elected to provide such benefits for firemen under the provisions of such laws."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective and apply to income years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1108 CHAPTER 872

AN ACT TO AMEND G. S. 106-405.1 AND G. S. 106-405.3 RELATING TO THE FEEDING OF GARBAGE TO SWINE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-405.1 (1) is rewritten to read as follows:

"(1) 'Garbage' means consisting in whole or in part of animal waste resulting from handling, preparing, cooking and consuming food, including the offal from or parts thereof; provided that the Commissioner of Agriculture or his authorized representative is empowered to exempt from this definition the waste resulting from the processing of sea food."

Sec. 2. G. S. 106-405.3 (b) is amended by striking the figure "$1.00", appearing in line 3 thereof, and substituting in lieu thereof the words and figures "twenty-five dollars ($25.00)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1111 CHAPTER 873

AN ACT TO AMEND G. S. 136-29 TO PROVIDE FOR AN EXTENSION OF TIME WITHIN WHICH THE HIGHWAY ADMINISTRATOR MUST RENDER A DECISION ON A CLAIM FILED UNDER SAID STATUTE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-29, as the same appears in the 1965 Supplement to Volume 3B of the General Statutes, is amended by adding immediately following the word "claim" at the end of line 10, and immediately preceding the word "the" at the beginning of line 11, the following: "or within such additional time as may be agreed to between the State Highway Administrator and the contractor,".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1125 CHAPTER 874

AN ACT TO PROVIDE FOR A REFERENDUM ON THE QUESTION OF WHETHER OR NOT THE MEMBERS OF THE BOARD OF EDUCATION OF THE ELM CITY SCHOOL DISTRICT SHALL BE ELECTED BY VOTE OF THE PEOPLE AND TO PROVIDE FOR AN ELECTION OF THE MEMBERS OF SAID BOARD OF EDUCATION IF SUCH METHOD IS APPROVED.

The General Assembly of North Carolina do enact:

Section 1. At the primary to be held in the year 1968 for the nomination of county officers, there shall be held at the same time a referendum or election on the question of whether or not the members of the Board of Education of the Elm City School District shall be elected by a vote of the people of said Elm City School District. The election or referendum shall be held at the same time of said primary election and shall be conducted by the election officials holding the primary election under the supervision and administration of the Wilson County Board of Elections. The question to be submitted to the electors of the Elm City School District shall be printed on a separate ballot and shall be voted upon by the electors of said school district regardless of party affiliation and

without any reference to party affiliation being designated on said ballot. The question to be submitted to the electors of the Elm City School District shall be substantially as follows:

"FOR: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district.

"AGAINST: Election of the members of the Board of Education of Elm City School District by vote of the electors residing in said school district."

If a majority of the electors voting in said election shall vote in favor of the election of the members of the Board of Education of Elm City School District, then the Act hereinafter set forth in the Sections below shall become operative and shall be in full force and effect. If a majority of those voting shall be against the election of the members of said Board of Education, then this whole Act shall be null and void.

Sec. 2. At the general election to be held in 1968 for the election of county officers, there shall be elected in said general election three members of the Board of Education of the Elm City School District who shall hold office for a term of six years and until their successors are elected and qualified. The three members receiving the highest number of votes in descending order shall be declared to be elected as members of the Board of Education of said Elm City School District, and they shall take office on February 11, 1969. At the general election to be held in Wilson County for the election of county officers in the year 1970, there shall likewise be elected three members of the Board of Education of the Elm City School District, and the three members receiving the highest number of votes in descending order shall hold office for a term of six years and until their successors are elected and qualified. The three members so elected in 1970 shall take office on February 11, 1971. At the general election to be held for the election of county officers in Wilson County for the year 1972, there shall be elected three members to said Board of Education of the Elm City School District, and the three persons receiving the highest number of votes in descending order shall be declared to be elected as members of said Board of Education and shall hold office for terms of six years each or until their successors are elected and qualified. In all cases in the elections above set forth the candidates for election shall be a qualified voter of the Elm City School District and shall file notice of candidacy with the Wilson County Board of Elections at least 30 days prior to the date of said election and said notice shall be accompanied by a filing fee of five dollars ($5.00). The said notice shall give the name, age and residence of the candidate filing same. In all cases in said election of the said members of said Board of Education the name of the candidates shall be printed on a separate ballot, and there shall be no reference to party affiliation, and the election of the members of said Board of Education shall be nonpartisan. Thereafter, as the terms of office of said members of the Board of Education of the Elm City School District expire, their successors shall be elected in the appropriate election to the end that such successors so elected may take office on February 11th of the year following such election. In all cases all candidates for such membership shall be voted upon by the eligible electors residing and having their residence in the territory of the Elm City School District.

Sec. 3. In case of a vacancy on the Board of Education of the Elm City School District caused by death, resignation, change of residence, failure to qualify or for any other cause whatsoever, the vacancy shall be filled for the unexpired term by the remaining members of said Board of Education and said vacancy shall be filled within 30 days from the date the vacancy occurs. The said Board of Education shall exercise all the powers and duties authorized by Chapter 115 of the General Statutes, as amended, which pertain to and are conferred upon city boards of education.

Sec. 4. The provisions of Sections 2 and 3 of this Act shall not become operative or have any force and effect unless a majority of the electors of the Elm City School District voting in the referendum provided in Section 1 of this Act shall approve the election of the members of the Elm City School District as set forth in Section 1 of this Act, and if such election is not approved, then this complete Act shall be void and of no effect.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1134 CHAPTER 875

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY TO CALL A SPECIAL OR GENERAL ELECTION TO AUTHORIZE THE LEVY OF AN ADDITIONAL SUPPLEMENTAL TAX NOT TO EXCEED FORTY CENTS ON EACH ONE HUNDRED DOLLARS VALUATION OF TAXABLE PROPERTY IN BUNCOMBE COUNTY TO PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, SUPPORT AND OPERATION OF THE PUBLIC SCHOOLS OF THE CITY OF ASHEVILLE AND COUNTY OF BUNCOMBE.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Buncombe County is authorized and empowered to call a special or general election to be held on or before June 1, 1968, to submit to a vote of the qualified registered voters of each of the various public school districts within Buncombe County the question of levying and collecting annually an ad valorem tax which shall be an additional supplemental tax not to exceed forty cents (40¢) on each one hundred dollars ($100.00) valuation of taxable property within each of the various public school districts within Buncombe County to provide for the construction, maintenance, support and operation of the public schools of the City of Asheville and the County of Buncombe. Solely for the purpose of this tax election and for that purpose only, the Asheville City Administrative School Unit shall be deemed to be one of the public school districts within the contemplation and meaning of this Act.

Sec. 2. There shall be a special registration of voters within each of the various public school districts within Buncombe County for such election. The registration books shall be open for the purpose of the

registration of voters in each of the various public school districts within Buncombe County as provided by the general election laws for the election of members of the General Assembly. If the additional tax levy be approved by a majority of all the qualified voters in Buncombe County who shall vote on such question, the Board of County Commissioners of Buncombe County is authorized to levy and collect such additional tax not to exceed forty cents (40¢) on each one hundred dollars ($100.00) valuation of taxable property in Buncombe County. If the additional tax levy be not approved by a majority of all the qualified voters in Buncombe County who shall vote on such question, the Board of County Commissioners of Buncombe County is authorized to levy and collect such additional tax not to exceed forty cents (40¢) on each one hundred dollars ($100.00) valuation of taxable property within each of the said public school districts within which the additional tax levy is approved by a majority of the qualified voters who shall vote on such question within said public school district. The amount of said tax to be levied and collected annually shall be decided by the Board of County Commissioners of Buncombe County and included in each year's budget, but the amount of said tax to be levied and collected shall be the same amount on each one hundred dollars ($100.00) valuation of taxable property in each public school district in which a majority of the voters in said election approve said levy. The General Assembly does hereby give its special approval to the levy of the tax for the purposes referred to in this Act.

Sec. 3. If the approval by a majority of all the qualified voters within Buncombe County who shall vote on such question is obtained, the levy may be made for the taxable year next beginning after such election and the supplemental tax so collected shall be apportioned between the Buncombe County Board of Education and the Asheville City Board of Education on a per capita enrollment basis which shall be determined by the State Board of Education and certified to each administrative unit involved. In the event the approval of a majority of all the qualified voters within Buncombe County who shall vote on such question is obtained in such election, that portion of the supplemental tax collected during the first fiscal year in which said tax is levied and apportioned to the Buncombe County Board of Education may be used by the said Buncombe County Board of Education for the construction or improvement of school buildings or other capital expenditures, and all other taxes collected and apportioned shall be used to supplement any item of expenditure in the school budgets.

If the approval by a majority of all the qualified voters within Buncombe County who vote on such question is not obtained, the levy may be made for the taxable year next beginning after such election in each of the public school districts in which a majority of the qualified voters who vote on said question approve said additional tax levy and the supplemental tax so collected shall be used by the appropriate Board of Education solely within the public school district in which the tax is collected to supplement any item of expenditure in the school budgets; provided, however, that the portion of the supplemental tax collected during the first fiscal year in which said tax is levied and allocated to the Buncombe

County Board of Education may be used by the said Buncombe County Board of Education for the construction or improvement of school buildings or other capital expenditures solely within the public school district in which the said supplemental tax is collected.

Sec. 4. In the event the approval of a majority of the qualified voters within Buncombe County or within any public school district who shall vote on such question in said election is not obtained, the presently existing supplemental school taxes previously authorized for the benefit of any administrative unit, district or other school area shall not be impaired and the Board of County Commissioners of Buncombe County is hereby authorized in such event to continue to levy and collect such taxes; provided, however, that the levy of additional supplemental school taxes authorized hereunder, if approved, shall replace any existing supplemental school taxes previously authorized within the same administrative unit.

Sec. 5. The special or general election provided for in this Act shall be held on or before June 1, 1968, and shall be conducted by the Buncombe County Board of Elections under the applicable provisions of the general election laws of the State providing for the election of members of the General Assembly, and no other question shall be presented to the voters at said election.

The Buncombe County Board of Elections shall have the power and authority, for the purposes of this tax election, to create new voting precincts whenever in its discretion the said Board deems said new voting precincts to be necessary and the said precincts may be created in whatsoever section or area of the county that the said Board of Elections in its judgment considers proper. The said Board of Elections of Buncombe County shall also have the power and authority to appoint the requisite number of election officials for said election, including those necessary for new precincts, and to establish such books and records as may be necessary and to establish all regulations and procedures for the proper conduct of said tax election, including the questions to be printed on the ballot and submitted to the voters.

Sec. 6. If the Asheville City Board of Education shall cause an election to be held within the Asheville City Administrative Unit on the question of whether or not an additional local supplemental tax shall be levied within the Asheville City Administrative Unit prior to June 1, 1968, then and in that event the provisions of this Act shall not apply to the Asheville City Administrative Unit, and it shall not be considered as a public school district for the purposes of this Act. If, however, no election is held in the Asheville City Administrative Unit on the question of the levy of an additional supplemental tax, then this Act shall apply to the Asheville City Administrative Unit, and it shall continue to be considered as a public school district for the purposes of an election under this Act and as set forth in Section 1 of this Act. If an election on the levy of an additional supplemental tax is held in the Asheville City Administrative Unit prior to June 1, 1968, then this Act shall apply to the Buncombe County School Administrative Unit and the public school districts therein, and said election on whether or not said supplemental tax shall be levied shall be conducted in the public school districts within the Buncombe

County School Administrative Unit according to the procedures set forth herein.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed; however, the powers granted by this Act are in addition to and not in substitution for existing powers heretofore granted to Buncombe County and the Board of County Commissioners thereof.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1137 CHAPTER 876

AN ACT PROVIDING FOR THE LEASE OF STATE-OWNED BOTTOMS FOR OYSTER AND CLAM CULTIVATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby enacted a statute to be codified as G. S. 113-202 and to read as follows:

"Sec. 113-202. New Leases and Renewal Leases of Oyster and Clam Bottoms; Termination of Leases Issued Prior to January 1, 1966. (a) In order to encourage oyster and clam culture in North Carolina, the Board, upon the recommendation of the Commissioner, may lease to residents any of the public bottoms underlying coastal fishing waters which do not contain a natural oyster or clam bed, in accordance with the provisions of this Article. A natural oyster or clam bed is an area of public bottom where oysters or clams are to be found growing in sufficient quantities to be valuable to the public.

"(b) The area leased may not be less than one acre nor more than 50 acres, except that in the open waters of Pamlico Sound leases may not be less than five acres nor more than 200 acres. For the purposes of this Section, the open waters of Pamlico Sound are those waters more than two miles from the shore line.

"(c) No person may lease more than a total of 50 acres of public bottom outside the open water of Pamlico Sound. In no event may any person lease more than a total of 200 acres within the State.

"(d) Any person desiring to apply for a lease must make written application to the Commissioner on forms prepared by him containing such information as deemed necessary to determine the desirability of granting or not granting the lease requested. Except in the case of renewal leases, the application must be accompanied by a survey, made at the expense of the applicant, showing the area proposed to be leased.

"The survey must conform to standards prescribed by the Commissioner concerning accuracy of survey and the amount of detail that must be shown. If on the basis of the application information and survey the Commissioner deems that granting the lease would benefit the oyster and clam culture of North Carolina, the Commissioner, in the case of initial lease applications, must order an investigation of the bottom proposed to be leased. The investigation is to be made by the Commissioner or his

authorized agent and by a qualified assistant appointed by the board of county commissioners of the county in which the bottom, or the greater portion of the bottom, is located to determine whether there is a natural oyster or clam bed within the bounds of the proposed lease. In the event a natural oyster or clam bed is encountered, the Commissioner in his discretion may either recommend that the lease be denied or that it be amended so as to exclude such bed. In the event the Commissioner authorizes amendment of the application, the applicant must furnish a new survey meeting requisite standards showing the area proposed to be leased under the amended application. At the time of making application for an initial lease, the applicant must pay a filing fee of twenty-five dollars ($25.00).

"(e) The area of bottom applied for in the case of an initial lease or amended initial lease must be as compact as possible, taking into consideration the shape of the body of water, the consistency of the bottom, and the desirability of separating the boundaries of a leasehold by a sufficient distance from any known natural oyster or clam bed to prevent the likelihood of disputes arising between the leaseholder and members of the public taking oysters or clams from the natural bed.

"(f) Upon determination by the Commissioner that the results of the investigation, if required, are satisfactory and that the application for lease and the accompanying survey are in order, and that the proper filing fee has been tendered, the Commissioner must within a reasonable time notify the applicant whether he recommends approval, disapproval, or modification of the lease application. In the event the Commissioner recommends approval or a modification to which the applicant agrees, the Commissioner must publish at least two notices of intention to lease in a newspaper of general circulation in the county or counties in which the proposed leasehold lies. The first publication must precede by more than 30 days the meeting of the Board at which the granting of the lease or renewal of lease is to be made; the second publication must follow the first by seven to 11 days. The notice of intention to lease must contain a sufficient description of the area of the proposed leasehold that its boundaries may be established with reasonable ease and certainty and must also contain the date of the meeting at which the Board is slated to act upon the application for lease or renewal of lease.

"(g) Protests to the granting of the proposed lease may be filed with the Commissioner in writing under oath prior to the granting of the lease by the Board. Protests cannot be considered unless accompanied by a filing fee of twenty-five dollars ($25.00). The Commissioner must evaluate the sufficiency of the grounds stated in the protest and make such investigation as he deems necessary. In the interest of making a just evaluation, he may recommend that the Board postpone consideration of the lease to a subsequent meeting. The Commissioner as a result of his evaluation may recommend denial or amendment of the lease or the granting of it in its original form, in the best interests of the oyster and clam culture of North Carolina, except that no lease may be granted which embraces a known or suspected natural oyster or clam bed. The lease applicant must furnish any additional or amended survey required in the event the protest results in a modification of the lease. In the event the protest does not

prevail and the lease is granted in its original form, the twenty-five dollars ($25.00) deposited with the protest must be forfeited to the use of the Department. In the event the protest is successful in causing a denial or modification of the lease, the twenty-five dollar ($25.00) deposit must be returned to the person protesting.

"(h) The Board in its discretion may lease or decline to lease public bottoms for oyster or clam culture in accordance with its duty to conserve the marine and estuarine resources of the State. The Commissioner must present all lease applications to the Board as to which he has published a notice of intention to lease more than 30 days prior to the meeting of the Board. In the event there was a protest that did not prevail before the Commissioner as to any lease recommended by him, the Commissioner must notify the Board of such protest. Persons whose lease applications are not recommended or are recommended in amended form by the Commissioner may appeal to the Board. In the event the Board sustains the appeal in whole or in part, it may order the Commissioner to take the steps necessary to comply with its decisions and effect a reprocessing of the lease application prior to the next Board meeting or such other time as it may direct.

"(i) After a lease is granted by the Board and the Director is satisfied that the survey submitted meets the criteria and that all fees and rent due in advance have been paid, the Director must execute the lease on forms approved by the Attorney General. The leaseholder must erect markers complying with regulations of the Board in order to define the bounds of the leased area. The Commissioner shall have authority, in his discretion, with the approval of the lessee, to amend an existing lease by reducing the area under lease or by combining existing contiguous leases.

"(j) Initial leases begin upon the issuance of the lease by the Director and expire at noon on the first day of April following the tenth anniversary of the granting of the lease. Renewal leases are issued for a period of 10 years effective from the time of expiration of the previous lease. The rental for initial leases is one dollar ($1.00) per acre for all leases entered into before July 1, 1965, and for all other leases until noon on the first day of April following the first anniversary of the lease. Thereafter, for initial leases entered into after July 1, 1965, and from the beginning for renewals of leases entered into after said date, the rental is five dollars ($5.00) per acre per year. Rental must be paid annually in advance prior to the first day of April each year. Upon initial granting of a lease, the pro rata amount for the portion of the year left until the first day of April must be paid in advance at the rate of one dollar ($1.00) per acre per year; then, on or before the first day of April next, the lessee must pay the rental for the next full year.

"(k) Except as restricted by this subchapter, leaseholds granted under this Section are to be treated as if they were real property and are subject to all laws relating to taxation, sale, devise, inheritance, gift, seizure and sale under execution or other legal process, and the like. Leases properly acknowledged and probated are eligible for recordation in the same manner as instruments conveying an estate in real property. Within 15 days after transfer of beneficial ownership of all or any portion of or interest in a leasehold to another, the new owner must notify the

Commissioner of such fact. Such transfer is not valid until notice is furnished the Commissioner. In the event such transferee is a nonresident, the Commissioner must initiate proceedings to terminate the lease.

"(l) Upon receipt of notice by the Commissioner of any of the following occurrences, he must commence action to terminate the leasehold:

(1) Failure to pay the annual rent in advance.

(2) Failure to file information required by the Commissioner upon annual remittance of rental.

(3) Failure by new owner to report a transfer of beneficial ownership of all or any portion of or interest in the leasehold.

(4) Failure to mark the boundaries in the leasehold and to keep them marked as required in the regulations of the Board.

(5) Failure to utilize the leasehold on a continuing basis for the commercial production of oysters or clams.

(6) Transfer of all or part of the beneficial ownership of a leasehold to a nonresident.

(7) Substantial breach of compliance with the provisions of this Article or of regulations of the Board governing use of the leasehold.

"The Board is authorized to make regulations defining commercial production of oysters and clams, based upon the productive potential of particular areas, climatic or biological conditions at particular areas or particular times, availability of seed oysters and clams, availability for purchase by lessees of shells or other material to which oyster spat may attach, and the like. Commercial production may be defined in terms of planting effort made as well as in terms of quantities of oysters and clams harvested. Provided, however, that if a lessee has made a diligent effort to effectively and efficiently manage his lease according to accepted standards and practices in such management, and because of reasons beyond his control, such as acts of God, such lessee has not and cannot meet the requirements set out by the Board under the provisions of this paragraph of this subsection, his leasehold shall not be terminated under part (5) of this subsection.

"(m) After receipt of notice of any occurrence listed in subsection (l), the Commissioner must mail the leaseholder a letter by registered or certified mail, return receipt requested, informing him of his intention to terminate and of the reason for the action. In the event the leaseholder takes steps within 30 days to remedy the situation upon which the notice of intention to terminate was based and the Commissioner is satisfied that continuation of the lease is in the best interests of the oyster and clam culture of the State, the Commissioner may discontinue termination procedures. Where there is no discontinuance of termination procedures, the leaseholder may appeal to the Director, and, if dissatisfied, to the Board. Where there is no appeal, or where an appeal does not prevail, the Director must send a final letter of termination to the leaseholder by registered or certified mail, return receipt requested. The final letter of termination may not be mailed sooner than 30 days after receipt by the leaseholder of the Commissioner's notice of intention to terminate, as evidenced by the return receipt. The lease is terminated effective at midnight on the day the final notice of termination is received by the leaseholder, as evidenced by the return receipt. The final notice of termination

may not be issued pending hearing of any appeal by the Director or by the Board.

"(n) Upon final termination of any leasehold, the bottom in question is thrown open to the public for use in accordance with laws and regulations governing use of public grounds generally. Agents of the Commissioner are required as soon as possible after termination of lease to remove all markers denominating the area of the leasehold as a private bottom.

"(o) Every year between January 1 and February 15 the Commissioner must mail to all leaseholders a notice of the annual rental due and include forms designed by him for determining the amount of shellfish or shells planted on the leasehold during the preceding calendar year, the amount of harvest gathered, and the names and addresses of those to whom the harvest was sold or delivered. Such forms may contain other pertinent questions relating to the utilization of the leasehold in the best interest of the oyster and clam culture of the State, and must be executed and returned by the leaseholder with payment of his rental. Any leaseholder or his agent executing such forms for him who knowingly makes a false statement on such forms is guilty of a misdemeanor punishable in the discretion of the court.

"(p) All leases and renewal leases granted after the effective date of this Article are made subject to this Article and to reasonable amendment of governing statutes, regulations of the Board, and requirements imposed by the Commissioner or his agents in regulating the use of the leasehold or in processing applications or rentals. This includes such statutory increase in rentals as may be necessitated by changing conditions and refusal to renew lease after expiration, in the discretion of the Board. No increase in rentals, however, may be given retroactive effect.

"The General Assembly declares it to be contrary to public policy for the oyster and clam bottoms which were leased prior to January 1, 1966, and which are not being used to produce oysters and clams in commercial quantities to continue to be held by private individuals, thus depriving the public of a resource which belongs to all the people of the State. Therefore, when the Commissioner determines, after due notice to the lessee, and after opportunity for the lessee to be heard, that oysters or clams are not being produced in commercial quantities, due to the lessee's failure to make diligent effort to produce oysters and clams in commercial quantities, the Commissioner may decline to renew, at the end of the current term, any oyster or clam bottom lease which was executed prior to January 1, 1966. The lessee may appeal the denial of the Commissioner to renew the lease to the Board in which event the lessee shall be granted an opportunity to be heard, de novo, by the Board and the burden of proof, by the greater weight of the evidence, shall be on the lessee. The Board, by majority vote, may affirm or reverse the action of the Commissioner. No appeal shall be allowed from the action of the Board."

Sec. 2. This Act shall not apply to Brunswick County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1140 CHAPTER 877

AN ACT TO AMEND G. S. 115-190.1 RELATING TO SCHOOL BUS TRANSPORTATION WITHIN AN AREA INCLUDED BY THE CONSOLIDATION OF MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-190.1 is hereby amended by adding a second paragraph to read as follows:

"In each and every area of the State where school bus transportation of pupils to and from school is now being provided, such school transportation shall not be discontinued by any State or local governmental agency for the sole reason that two or more municipalities have consolidated and the corporate limits of the new, consolidated municipality includes such area, and school bus transportation of pupils shall be continued in the same manner and to the same extent as if such area had not been consolidated and had not been included within the corporate limits of the new, consolidated municipality."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1142 CHAPTER 878

AN ACT TO AMEND G. S. 113-203 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF NATURAL SEED OYSTER AREAS.

The General Assembly of North Carolina do enact:

Section 1. Section 113-203 of the General Statutes of North Carolina, as the same appears in the 1966 Replacement Volume 3A, is hereby amended by redesignating subsection (d) thereof as subsection (e) and by adding a new subsection (d) to read as follows:

"(d) It is lawful to transplant to private beds in North Carolina oysters taken from public beds designated by the Board as Natural Seed Oyster Areas. Such areas shall be designated as Natural Seed Oyster Areas in the following manner:

"A petition shall be filed with the Commissioner by the board of county commissioners of the county in which such area is located requesting the designation of and describing the area proposed as a Natural Seed Oyster Area. Upon the receipt of the petition, the Commissioner shall, within six weeks of the receipt by him of such petition, cause an investigation of the area proposed to be designated as a Natural Seed Oyster Area. Such investigation shall be made by qualified biologists of the Division of Commercial and Sports Fisheries. The Commissioner shall then make a recommendation to the Board as to whether the area described in the petition should be designated as a Natural Seed Oyster Area and such area shall be so designated by the Board only after the Commissioner so recommends as being in the best interests of the State.

"The Commissioner shall issue permits to all qualified individuals who are residents of North Carolina without regard to county of residence to transplant seed oysters from said designated Natural Seed Oyster Areas, setting out the quantity which may be taken, the times which the taking is permissible and other reasonable restrictions imposed to aid him in his duty of regulating such transplanting operations. Any transplanting operation which does not substantially comply with the restrictions of the permit issued is unlawful."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1145 CHAPTER 879

AN ACT TO AMEND G. S. 153-9 BY ADDING THERETO A NEW SUBSECTION TO AUTHORIZE BOARDS OF COUNTY COMMISSIONERS TO LEVY A SPECIAL TAX FOR THE SPECIAL PURPOSE OF ACQUIRING, CONSTRUCTING, RENOVATING AND FURNISHING COURTHOUSES AND JAILS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-9, as amended, is hereby further amended by adding thereto a new subsection to be numbered (8a) and to read as follows:

"The board of county commissioners of any county is hereby authorized, in its discretion, to levy annually on all taxable property in the county a special tax for the special purpose of acquiring, constructing, renovating, equipping and furnishing courthouses and jails together with the land to be designated as a site or sites therefor, and the General Assembly does hereby give special approval for the levy of such tax, and the authority granted in this subdivision is in addition to and not in substitution for existing powers of boards of county commissioners, whether such existing powers be granted by general or special Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1152 CHAPTER 880

AN ACT TO AMEND CHAPTER 48 OF THE GENERAL STATUTES TO PROVIDE FOR THE ADOPTION OF PERSONS WHO ARE MORE THAN 21 YEARS OF AGE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 48 of the General Statutes, as it appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by deleting the title thereof, consisting of the words "Adoption of Minors,"

and by inserting in the place thereof, a new title consisting of the word "Adoptions."

Sec. 2. Chapter 48 of the General Statutes is hereby further amended by deleting the caption of G. S. 48-3, consisting of the words "Who may be adopted," and by inserting in the place thereof a new caption consisting of the words "What minor children may be adopted."

Sec. 3. Chapter 48 of the General Statutes is hereby further amended by adding immediately after G. S. 48-35, a new Section to be designated § 48-36, as follows:

"§ 48-36. Adoption of persons who are 21 or more years of age. (a) Any person who is 21 or more years of age, or any two such persons who are lawfully married to each other, may petition the clerk of superior court that such person or persons be declared the adoptive parents of any other person who is 21 or more years of age who shall file with the clerk written consent to such adoption. The petitioners and the person to be adopted must have resided in North Carolina or on a Federal territory therein for six months immediately preceding the filing of the petition. The petition and consent must be filed in the county where the person to be adopted resides. The clerk shall not enter any order granting the petition until it has been made to appear to him that one copy each of the petition and the consent have been posted at the courthouse door continuously for 10 days immediately preceding such order. For good cause shown, the clerk may issue an order declaring the petitioners to be the adoptive parents of the person consenting to be adopted.

"(b) Upon entry of the order of adoption in accordance with the provisions of subsection (a) of this Section, the rights, duties, and obligations of the adoptive parents and the person adopted shall be, in relation to each other, and in relation to all other persons, the same as if the adoption had been completed under the provisions of this Chapter other than those contained in this Section, and as if the adoption had taken place immediately before the person adopted became 21 years of age; Provided, however, the provisions of this Section shall not relieve any person of any duty to support any other person, nor shall the provisions of this Section relieve any person of any criminal liability, arising under any other provision of law, for failure to provide support for any person.

"(c) Except as provided in subsection (b) of this Section, the provisions of this Chapter which are not a part of this Section shall not apply to the adoption of persons who are more than 21 years of age.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1211 CHAPTER 881

AN ACT TO AMEND CHAPTER 378 OF THE SESSION LAWS OF 1959 RELATING TO VACANCIES OCCURRING ON THE MECKLENBURG COUNTY BOARD OF EDUATION.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 378 of the 1959 Session Laws as amended by Chapter 1114 of the 1961 Session Laws is hereby amended by rewriting said Section to read as follows:

"In the event of a vacancy occurring on the board other than by expiration of a term, such vacancy shall be filled by election at the first county-wide election occurring at least 60 days after the existence of such vacancy. If the election is the regular biennial election, a person shall be elected to fill the unexpired term as provided for elsewhere in this Chapter. If the election is other than the regular biennial election, the procedures for filing and election shall be the same as if such election were a regular biennial election except that the person receiving the plurality of the votes cast shall be elected, regardless of whether or not he received a majority. In the event that only one person files for election to the vacancy, such person shall be certified by the board of elections immediately after the filing deadline. The person so elected or certified shall assume the duties of office at once to complete the unexpired term. In the event that two or more vacancies are to be filled, the person receiving the higher or highest number of votes shall fill the vacancy which has the longer or longest unexpired term."

Sec. 2. The county commissioners may, in their discretion, call a special election as provided by law to fill such vacancy or vacancies. Such election shall be announced at least 60 days before the date of such election.

Sec. 3. Provided, however, that if a vacancy occurs on the board for one of the following reasons: death, total disability, change of legal residence from Mecklenburg County, or appointment to a State-wide agency such as the State Board of Education, the board may fill the vacancy until the next regular biennial election at which time the unexpired term shall be filled as provided by law.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1251 CHAPTER 882

AN ACT TO ESTABLISH DISTRICTS FOR THE SELECTION OF MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION AND TO PROVIDE FOR STAGGERED TERMS.

The General Assembly of North Carolina do enact:

Section 1. That Sections 3 (b), 3 (c), 3 (d), and 3 (e) of Chapter 1051 of the 1965 Session Laws and House Bill No. 54 of the 1967 Session Laws, ratified February 23, 1967, are hereby repealed.

Sec. 2. That on and after first Monday in December, 1968, the Moore County Board of Education shall consist of eight members to be elected as set forth in this Act. One member shall be elected from each of the seven school election districts created by Section 3 of this Act and one shall be an at large member who must be a resident of the area comprising districts numbered One, district numbered Two and district numbered Three as those districts are hereinafter defined. All elections shall be nonpartisan, shall be held at the time hereinafter set forth and no party affiliation shall be designated on the ballot for any candidate. The Moore County Board of Elections shall prepare a separate ballot for use in voting for all candidates for the Moore County Board of Education to be designated, "Official Nonpartisan County Ballot for Board of Education."

Sec. 3. For the purpose of electing seven district members and the one at large member of the Moore County Board of Education, there is hereby created seven school election districts in Moore County to be comprised of the boundaries, as they now exist, of the Southern Pines City Administrative Unit, the Pinehurst City Administrative Unit and the nine attendance areas, sometimes called school areas and school districts, within the Moore County Administrative Unit. The school election districts shall be numbered One, Two, Three, Four, Five, Six and Seven and shall be comprised as follows:

(a) District No. One shall consist of the territory which now comprises the Aberdeen School attendance area which is described in official Minute Book No. 6, page 395, of the Moore County Board of Education.

(b) District No. Two shall consist of the territory which now comprises the Southern Pines City Administrative Unit which is described in official Minute Book No. 6, page 397, of the Moore County Board of Education.

(c) District No. Three shall consist of the territory which now comprises the Pinehurst City Administrative Unit and the territory which now comprises the West End school attendance area which are described in official Minute Book No. 6, pages 395-399, of the Moore County Board of Education.

(d) District No. Four shall consist of the territory which now comprises the Westmoore and Highfalls school attendance areas which are described in official Minute Book No. 7, pages 27-29 and page 31, of the Moore County Board of Education.

(e) District No. Five shall consist of the territory which now comprises the Robbins school attendance area which is described in official Minute Book No. 7, page 29, of the Moore County Board of Education.

(f) District No. Six shall consist of the territory which now comprises the Carthage and Cameron school attendance areas which are described in official Minute Book No. 6, pages 387-391, of the Moore County Board of Education.

(g) District No. Seven shall consist of the territory which now comprises the Farm Life and the Vass-Lakeview school attendance areas which are described in official Minute Book No. 6, pages 393-395, of the Moore County Board of Education.

The boundaries of the Southern Pines Administrative City Unit, the Pinehurst City Administrative Unit and the nine attendance areas within the Moore County Administrative Unit are also fully described and delineated on a map entitled, "Moore County, North Carolina", prepared by R. E. Wicker, 1961, which map is now on file in the office of Superintendent of the Moore County Schools to which reference may be made.

Sec. 4. At the primary to be held in 1968 there shall be elected one member from each of the seven school election districts as defined in Section 3 of this Act and also one at large member who must be a resident of the area comprising districts No. One, No. Two or No. Three. Every district candidate for membership on said board must be a resident of the district from which he seeks election and every at large candidate for membership on said board from the area comprising districts No. One, No. Two and No. Three shall declare, at the time he files notice of his candidacy, whether he is a district candidate for the district in which he resides or whether he is an at large candidate from said three districts. All candidates for membership on said board shall be voted upon and elected in the primary election by the voters of the entire county voting at large. All elections shall be held pursuant to the provisions of Chapter 163 of the General Statutes of North Carolina relating to primary elections, except as otherwise provided in this Act. In the event, however, of a tie vote between any two candidates in a second election, no third election shall be held but the Moore County Board of Commissioners shall, within ten days following a canvass of the votes, determine by resolution duly adopted, which candidate shall be elected and upon such determination said candidate shall be the duly elected member to said board.

Sec. 5. In the election to be held in the primary in 1968, the four district candidates receiving the highest number of votes shall serve for a term of four years each and the three district candidates receiving the next highest number of votes shall serve for a term of two years each. The at large candidate, elected in the primary of 1968, shall also serve for a period of two years. In the event two or more district candidates are tied as the fourth highest candidate, the Moore County Board of Commissioners shall, within ten days following a canvass of the votes, designate by resolution duly adopted which candidate shall serve for four years and which candidate shall serve for two years.

Sec. 6. At the 1970 primary, and quadrennially thereafter, there shall be elected three district members of the Moore County Board of Education for the districts represented by those persons whose terms then expire. At the 1970 primary, and quadrennially thereafter, there shall be elected one member at large from the area comprising districts numbered One, Two and Three. At the 1972 primary, and quadrennially thereafter, there shall be elected four district members of the Moore County Board of Education for the districts represented by those persons whose terms then expire. All members of the Moore County Board of Education elected in any year in which a primary is held for the purpose of filling a vacancy caused by an expired term or terms shall take office on the first Monday in December of the year in which they are elected.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1256 CHAPTER 883

AN ACT TO PROVIDE FOR THE SHERIFF'S FEE IN VANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Sheriff of Vance County shall receive a fee of two dollars ($2.00) for each criminal and civil process served.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1293 CHAPTER 884

AN ACT RELATING TO THE AUTHORITY OF THE BOARDS OF COMMISSIONERS OF SURF CITY AND TOPSAIL BEACH TO REGULATE AND PROHIBIT SURFING ON THE WATERS OF THE ATLANTIC OCEAN.

The General Assembly of North Carolina do enact:

Section 1. The Boards of Commissioners of the Towns of Surf City and Topsail Beach in Pender County are hereby authorized to adopt comprehensive ordinances regulating and prohibiting surfing on the waters of the Atlantic Ocean adjoining or bounding the corporate limits of said Towns.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1303 CHAPTER 885

AN ACT RELATING TO THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS FOR HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Chairman and other members of the Board of County Commissioners for Halifax County shall be compensated for their services on the following basis:

1. The Chairman of the Board of County Commissioners for Halifax County shall be paid for his services compensation not to exceed one

hundred fifty dollars ($150.00) per month, plus a travel allowance of seven cents (7¢) per mile of travel from his respective place of residence to the place of meeting of the Board and return;

2. The other members of the Board of County Commissioners for Halifax County shall each be paid for their services compensation not to exceed one hundred dollars ($100.00) per month, plus a travel allowance of seven cents (7¢) per mile of travel from their respective places of residence to the place of meeting of the Board and return.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

H. B. 1323 CHAPTER 886

AN ACT TO AMEND CHAPTER 267, SESSION LAWS OF 1965, RELATING TO THE FEEDING OF PRISONERS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 267, Session Laws of 1965, is hereby amended by rewriting Section 2 thereof to read as follows:

"Sec. 2. The Board of Commissioners of Edgecombe County is authorized and empowered from time to time to appropriate and expend for the feeding or board of prisoners in the common jail of said county such sums as it deems reasonably necessary to provide a sufficient and adequate quantity of good and wholesome food for said prisoners. The custody, care and supervision of the prisoners in the common jail of Edgecombe County shall be and remain under the supervision of the Sheriff of Edgecombe County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

S. B. 340 CHAPTER 887

AN ACT PROVIDING FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF CRAVEN COUNTY, AND TO FIX THEIR TERMS OF OFFICE.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Craven County shall consist of eight members who shall be nominated and elected, as hereinafter provided, from each of the following districts:

District No. 1, consisting of Jasper, Tuscarora, and Clarks precincts;

District No. 2, consisting of Dover and Cove City precincts;

District No. 3, consisting of Fort Barnwell precinct;

District No. 4, consisting of Vanceboro, Ernul, Maple Cypress precincts;

District No. 5, consisting of Bridgeton and Truitt precincts;

District No. 6, consisting of Grantham precinct;

District No. 7, consisting of Havelock, Bachelor and Croatan precincts; and

District No. 8, consisting of the First, Second, Third, Fourth, Tisdale, Berne and Rhems precincts.

Sec. 2. Beginning with the County Primary of 1968, and quadrennially thereafter, there shall be nominated one candidate for each political party from Districts No. 1, 3, 5, and 7, who shall serve for a term of four years.

Beginning with the County Primary of 1968, there shall be nominated one candidate for each political party from Districts No. 2, 4, 6, and 8, who shall serve for a term of two years. In the Primary of 1970, and quadrennially thereafter, there shall be nominated one candidate for each political party from each of said districts who shall serve for a term of four years.

The candidate of each political party receiving the majority of votes cast by the qualified voters of the district in which he is running shall be declared the nominee of his party and his name shall appear on the ballot for the general election, as provided by law.

Sec. 3. In the County General Election of 1968, and biennially thereafter, there shall be elected, by the qualified voters of the entire County, members of the Craven County Board of Education to take the place of the members whose terms next expire. The candidate receiving the highest number of votes cast for candidates in his district shall be elected for the term specified in Section 2 of this Act and until his successor is elected and qualified.

Sec. 4. The candidates elected to the Craven County Board of Education shall qualify and take office on the first Monday in December of the year in which elected.

Vacancies occurring in the Board of Education for any reason shall be filled for the unexpired term by action of the County Executive Committee of the political party of the member causing the vacancy.

Sec. 5. The Chairman of the Board of Education of Craven County shall preside at the meetings of said Board, but shall have no vote except in case of a tie; and in the event of the absence or sickness of the Chairman, the Board may appoint one of its members to act as vice-chairman and to exercise all the duties of the Chairman.

Sec. 6. The present members of the Craven County Board of Education shall continue to hold office until the first Monday in December, 1968.

Sec. 7. The Craven County Board of Elections shall hold and conduct the primary and general election for members of the Craven County Board of Education in accordance with the provisions of Chapter 163 of the General Statutes of North Carolina.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

S. B. 367 CHAPTER 888

AN ACT TO PROVIDE AN ALTERNATIVE METHOD FOR EXTENDING THE CORPORATE BOUNDARY OF THE TOWN OF FOUR OAKS IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Four Oaks is hereby authorized to extend the corporate boundaries of said town to include the area described in Section 3 of this Act in accordance with the authority granted by this Act. This authority shall be in addition to any other authority for extending the corporate boundaries of the town which may now or hereafter be granted by law.

Sec. 2. The Board of Commissioners of the Town of Four Oaks is hereby authorized to extend its corporate boundaries by annexing thereto the area described in Section 3 of this Act, subject to the following:

(a) Prior to the time the County Board of Elections is ordered to conduct an election on the question of annexing the area described in Section 3 of this Act, the Board of Commissioners shall hold a public hearing for the purpose of explaining their proposal for annexation and for the purpose of giving all interested persons the opportunity to be heard regarding such proposal. Notice of this public hearing shall be given once a week for two successive weeks by publication in a newspaper having general circulation in the area proposed to be annexed and within the Town of Four Oaks. The public notice required herein shall contain a description by metes and bounds of the area described in Section 3 of this Act and the purpose, date, time and place of such hearing.

(b) Not later than 30 days following the date of the public hearing as required in subsection (a) of this Section. The Board of Commissioners may on its own motion determine that a referendum on the question of annexing the area described in Section 3 be held and that this annexation question be submitted to a vote of the qualified voters of the area proposed to be annexed and the qualified voters within the Town of Four Oaks voting together by passage of a resolution to that effect.

(c) After the passage of a resolution as required in subsection (b) of this Section the Board of Commissioners shall order the Board of Elections of Johnston County to call an election to determine whether or not the territory described in Section 3 of this Act shall be annexed to the town. Within 60 days after receiving such order from the Board of Commissioners, the County Board of Elections shall proceed to hold such election.

(d) The Johnston County Board of Elections shall, upon receipt of an order from the Board of Commissioners of Four Oaks call an election as required herein by the passage of a resolution which shall (1) describe the territory proposed to be annexed; (2) provide that the question of

annexation shall be submitted to a vote of the qualified voters of the territory described in Section 3 of this Act and the qualified voters of the Town of Four Oaks voting together at an election; (3) provide for a special registration of voters in the territory proposed to be annexed; (4) designate the precincts and voting places for such election; (5) name the registrar and judges for such election, and (6) make all other necessary provisions for holding and conducting such election, canvassing the returns and declaring the results thereof. Said resolution shall be published in one or more newspapers having general circulation in the area described in Section 3 of this Act and the Town of Four Oaks once a week for 30 days prior to the opening of the registration books. All costs of holding such election shall be paid by the Town of Four Oaks, and except as herein provided, said election shall be held under the same laws as are applicable to municipal elections in the Town of Four Oaks.

(e) At the annexation election called under the authority of this Act, ballots shall be furnished upon which shall be printed the words "For extension of town limits" and "Against extension of town limits". If at such election a majority of the votes cast by the qualified voters within the area described in Section 3 of this Act and the qualified voters within the Town of Four Oaks counted together shall be "For extension of town limits" then from and after the date of the declaration of the results of such election the territory, its citizens and property shall be subject to all the debts, laws, ordinances and regulations in force in the Town of Four Oaks, and shall be entitled to the same privileges and benefits as other parts of the town. The newly annexed territory shall be subject to municipal taxes levied for the fiscal year following the date of annexation. If at such election a majority of the votes cast by the voters of the area described in Section 3 and the voters of the Town of Four Oaks counted together shall be "Against extension of town limits" then the proposed annexation shall be null and void and the Board of Commissioners shall not extend its corporate boundaries to include the area described in Section 3 of this Act.

Sec. 3. The territory authorized to be annexed to the Town of Four Oaks subject to the approval of the qualified voters at a special election as required by this Act shall include the following described territory, to wit:

BEGINNING at a point in the center of the Atlantic Coast Line Railroad, located South 68 degrees 47 minutes West 1921 feet from a concrete marker, a corner in the present corporate limits of the Town of Four Oaks, and runs thence, North 17 degrees 22 minutes East 2900.26 feet; thence North 17 degrees 21 minutes East 1405.00 feet; thence North 17 degrees 21 minutes East 1678.08 feet; thence South 78 degrees 58 minutes East 4037.30 feet; thence North 87 degrees 30 minutes East 791.63 feet; thence South 78 degrees 58 minutes East 928.52 feet; thence, South 6 degrees 20 minutes West for 4638.10 feet to the right of way of Interstate 95; thence South 77 degrees 53 minutes West 840 feet to the center of Keen Road; thence, South 51 degrees 01 minutes West for 30.0 feet to the right of way of said Keen Road, thence, along the right of way of said road South 38 degrees 59 minutes East 213.10 feet to the right of way of Interstate 95; thence, along the right of way of said Interstate High-

way 95, South 58 degrees 40 minutes West 500 feet; thence South 53 degrees 09 minutes West 1617.80 feet to the center line of State Road 1162; thence South 52 degrees 04 minutes West 600 feet; thence North 51 degrees 21 minutes West 3973.96 feet; thence South 68 degrees 46 minutes West 620 feet to the point of the beginning containing 724 acres more or less. However, said area of annexations excludes and excepts the area which lies within the existing corporate limits which is as follows:

BEGINNING at a point in the northern right of way line of the Atlantic Coast Line Railroad located 40 feet West of the line between Ransom Strickland heirs and Joe Mack Barbour, an old concrete marker, a corner of the corporate limits of the Town of Four Oaks; thence, South 34 degrees 37 minutes West 182.6 feet crossing said railroad to the head of a ditch; thence, with said ditch South 31 degrees 25 minutes East 148.5 feet; thence, South 65 degrees 39 minutes East 116.0 feet; thence, South 63 degrees 32 minutes East 75.0 feet; thence, South 46 degrees 25 minutes East 114.0 feet; thence, South 52 degrees 52 minutes East 165.0 feet; thence, down a branch South 87 degrees 03 minutes East 78.4 feet; thence, South 43 degrees 50 minutes East 90.0 feet; thence, South 47 degrees 46 minutes East 94.0 feet; thence, South 67 degrees 08 minutes East 216.30 feet; thence, North 63 degrees 52 minutes East 167.6 feet; thence, South 82 degrees 37 minutes East 59.3 feet to a corner located near State Road known as Temple Road; thence, South 62 degrees 03 minutes East 1396.02 feet to the run of Juniper Branch; thence, with the run of said branch South 18 degrees 33 minutes East 918.79 feet; thence, South 45 degrees 03 minutes East 200.2 feet; thence, to the point where Juniper Branch crosses the center line of State Road 1162; thence, along the center line of a State Road North 45 degrees 49 minutes East 958.6 feet; thence, North 31 degrees 57 minutes East 273.2 feet; thence, North 24 degrees 51 minutes East 430.3 feet; thence, North 30 degrees 47 minutes East 364.3 feet to the center line of Keen Road; thence, North 27 degrees 21 minutes West 898.0 feet to a corner at the intersection of Keen Road and old Highway 22; thence, North 3 degrees 52 minutes East 1982.83 feet to a concrete marker located on property owned by Lundy Allen, near the northeast corner of a lot owned by Charles Upchurch; thence, North 27 degrees 53 minutes West 442.50 feet to an iron stake in the line between Lundy Allen and Theodore Thornton; thence, North 22 degrees 00 minutes East 167.7 feet; thence, North 44 degrees 54 minutes East 198.1 feet; thence, North 17 degrees 33 minutes East 232.55 feet; thence, North 1 degree 50 minutes East 394.15 feet; thence, North 14 degrees 30 minutes East 172.90 feet; thence, South 78 degrees 14 minutes West 208.45 feet; thence South 58 degrees 57 minutes West 208.93 feet; thence, South 47 degrees 56 minutes West 151.8 feet; thence, South 47 degrees 56 minutes West 151.8 feet; thence, South 61 degrees 01 minute West 174.24 feet; thence, South 81 degrees 12 minutes West 93.10 feet; thence, North 27 degrees 48 minutes West 223.28 feet to a concrete marker on the James Wellons land; thence, South 71 degrees 39 minutes West 2276.45 feet to an oak tree at the corner of a lot owned by Alma Stevenson on the East side of State Road 1162; thence, South 10 degrees 46 minutes West 2579.88 feet to the point of beginning containing 314.47 acres.

The area to be annexed contains 410 acres, according to a survey of proposed corporate city limits; and existing corporate city limits, made by J. L. Blackmon, P. E., and dated April 3, 1967.

Sec. 4. In the event the corporate boundaries of the Town of Four Oaks are extended in accordance with this Act, it shall be the duty of the Mayor to cause an accurate map of such annexed territory, together with a copy of the official results of the election, to be recorded in the office of the Register of Deeds of Johnston County, and forwarded to the Secretary of State of North Carolina.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall apply only to the Town of Four Oaks in Johnston County.

Sec. 7. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

S. B. 582 CHAPTER 889

AN ACT TO AUTHORIZE THE ROANOKE RAPIDS SANITARY DISTRICT IN HALIFAX COUNTY, IN ITS DISCRETION, TO PROVIDE FOR A RETIREMENT SYSTEM OR DEATH BENEFITS FOR ITS OFFICERS AND EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Roanoke Rapids Sanitary District in Halifax County may, in its discretion, in lieu of participating in the Local Governmental Employee's Retirement System, expend funds to provide a retirement system or some system for retirement or death benefits, or both, for the officers and employees of the district. Said governing body shall, in its discretion, cause said Sanitary District to bear the total expense of such a program or it may, in its discretion, require employees and officers to bear such portion of the expense as it may determine. Said governing body shall have full authority to determine whether it shall cause an independent retirement system to be created or whether it shall pay premiums to purchase insurance or other retirement benefit contracts providing retirement or death benefits or both. Said governing body is authorized to prescribe rules and regulations governing participation in the program and eligibility for benefits, and to do all other things deemed wise and expedient to effectuate the purposes of this Act.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

S. B. 617 **CHAPTER 890**

AN ACT TO PERMIT PRODUCERS, HANDLERS, AND PROCESSORS OF FISHERY AND SEA FOOD PRODUCTS TO ACT JOINTLY IN PROMOTING THEIR INDUSTRY BY USE OF A SELF ASSESSMENT PROGRAM.

The General Assembly of North Carolina do enact:

Section 1. Definitions. The definitions as given in G. S. 113-128 shall apply to this Act, except that the following will additionally apply:

(1) Agency: a group or an association which shall make applications and otherwise act for the fishing and sea food industry or a distinguishable part thereof.

Sec. 2. It is declared to be in the interest of the public welfare of North Carolina that those engaged in "coastal fisheries", as defined in G. S. 113-129, shall be permitted and encouraged to act jointly and cooperatively for the purposes of promoting the common good, welfare, and advancement of their industry.

Sec. 3. No association, meeting or activity undertaken in pursuance of the provisions of this Article and intended to benefit all of the coastal fisheries or distinguishable part thereof hereinunder certified by the Board shall be deemed or considered illegal or in restraint of trade.

Sec. 4. It is hereby declared to be in the interest of the public that the coastal fisheries or any distinguishable part thereof shall be permitted by referendum to be held among themselves as prescribed by this Article, to levy upon themselves an assessment on such respective catches, volume, landings, income, or production for the purposes of promoting the common good, welfare, and advancement of the fishing and sea food industry of North Carolina, in addition to any and all taxes, levies, and licenses in effect at the time of the enactment of this Act, or that may be enacted and levied or imposed subsequently.

Sec. 5. Any agency fairly representative of any distinguishable part or all of the fishing and sea food industry, may at any time make application in writing or petition to the Board for certification and approval to conduct a referendum among the coastal fisheries or any distinguishable part thereof for the purpose of levying an assessment under the provisions of this Article, collecting, and utilizing the proceeds for the purposes stated in such referendum and as set forth in this Act.

Sec. 6. Upon receiving an application or petition as herein provided, the Board shall at its next regular quarterly meeting consider such application as follows:

(1) The Board shall determine if the agency is in fact fairly representative of the coastal fisheries or distinguishable part thereof making application or petitioning for referendum and record in its minutes its determination.

(2) The Board shall determine if the application or petition is in conformity with the provisions and purposes of this Article and record in its minutes its determination.

(3) If the Board determines in the affirmative as to (1) and (2) above, it shall authorize and empower the agency to hold and conduct a referen-

dum on the question of whether or not members of the fishing and sea food industry, or the distinguishable part thereof, making application or petition, shall levy upon themselves an assessment under and subject to the conditions and provisions and for the purpose stated in this Act.

Sec. 7. The agency shall fix, determine, and publicly announce such referendum at least 30 days before the date set for such referendum, the date, hours, and polling places for voting in such referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected if favorably voted upon, and the general purposes to which said amount so collected shall be applied. Such public notice shall be published at least once 20 days prior to the election in one or more newspapers having general circulation in the area where the vote is to be taken.

Sec. 8. No assessment levied on any commodity under the provisions of this Act shall exceed one per cent (1%) of the average value of this commodity during the next three years for which published statistics by the State of North Carolina or the Federal Government are available next preceding the application or petition.

Sec. 9. The arrangements for and management of any referendum conducted under the provisions of this Article shall be under the direction of the agency duly certified and authorized to conduct the same, and any and all expenses in connection herewith shall be borne by the agency.

Sec. 10. Any referendum conducted under the provisions of this Act may be held by mail ballot or by box ballot as may be determined and publicly announced as herein provided by the agency before such referendum is called. A person licensed by the Department of Conservation and Development to engage in business and commerce as may be directly affected by the paying of the assessment, or anyone who would be subject to paying such assessment should the question be voted in the affirmative, shall be eligible and may vote in such referendum.

Sec. 11. The duly certified agency shall prepare and distribute in advance of such referendum all necessary ballots for the purpose thereof, and shall under rules and regulations drawn up and promulgated by said agency, arrange for the necessary poll holders or officials for conducting the said referendum; and following said referendum and within 10 days thereafter the duly certified agency shall canvass and publicly declare the result of such referendum; except that in the event a mail ballot is used, a mail ballot shall be posted by registered mail on a prearranged date at least 30 days following announcement of same to each duly licensed voter by the agency, and a return, self-addressed envelope of suitable size and construction for containing the completed ballot with ample postage affixed shall be enclosed along with complete instructions on the voting procedure, these instructions stating that the ballot should be marked by the voter to indicate and show his preference, then inserted into the return envelope, sealed, and posted or returned within 10 days of the date of the original or first posting, and on a predesignated date and hour at least 15 days after the original mailing and at an open and public meeting, the return envelopes described above shall be opened, the ballots counted, tabulated, and the results publicly declared by the agency or its authorized representatives.

Sec. 12. If in such referendum called under the provisions of this Act two-thirds or more of the voters eligible and voting vote in the affirmative and in favor of the levying and collection of such assessment proposed in such referendum, then such assessment shall be collected annually, or more often as predetermined by the agency, for the three years set forth in the call for such referendum, and the collection of such assessment shall be under such method, rules, and regulations as may be determined by the agency prior to the announcement of the referendum and included in the announcement of the referendum; said assessment so collected shall be paid into the treasury of the agency, to be used together with other funds, including donations and grants from individuals, firms, governmental agencies, or corporations, and from other fees, dues, or assessments, for the purpose set out in the referendum.

Sec. 13. As an alternate method for the collection of assessments provided for in Section 3, upon the request or petition of the agency and action by the Board as prescribed in Section 6, the Commissioner shall notify, by registered letter, all persons or firms licensed by the Department of Conservation and Development to engage in business and commerce as may be directly affected by the paying of the assessment, that on and after the date specified in the letter the assessment shall become due and payable, and shall be remitted by said persons or firms to the Commissioner who shall thereupon pay the amount of the assessments to the agency. The books and records of all such persons and firms shall at all times during regular business hours be open for inspection by the Commissioner or his duly authorized agents.

Sec. 14. In the event such referendum as herein provided for shall not be voted on affirmatively by two-thirds or more of the voters eligible and voting, then the agency shall have full power and authority to call another referendum for the purposes herein set forth at any time after the next succeeding 12 months, on the question of an assessment for three years.

Sec. 15. In the event such referendum as herein provided for shall be voted on affirmatively by two-thirds or more of the voters eligible and voting, then the agency shall in its discretion have full power and authority to call and conduct during the third year after the latest referendum another referendum for the purpose set forth herein for the next ensuing three years.

Sec. 16. Any person or firm hereinunder assessed shall have the right to demand of and receive from the treasurer or disbursing office of the agency a refund of such assessment so collected, provided such demand for refund is made in writing within 30 days from the end of the assessment year which shall be determined by the agency.

Sec. 17. Before collecting and receiving such assessments, such treasurer or financial officer shall give bond to the agency to run in favor of the agency in the amount of the estimated total of such assessments as will be collected, and from time to time the agency may alter the amount of such bond which, at all times, must be equal to the total financial assets of the agency, such bond to have as surety thereon a surety company licensed to do business in the State of North Carolina, and to be in the form and amount approved by the agency and to be filed with the chairman or executive head of such agency.

The Board shall cause an annual audit to be made of the financial records of the agency and shall cause a copy of the audit, or a summary thereof, to be published at least once in one or more newspapers having general circulation in the area where the assessments are made.

Sec. 18. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

S. B. 637 CHAPTER 891

AN ACT TO AUTHORIZE THE QUALIFIED VOTERS OF THE TOWN OF ANDREWS, CHEROKEE COUNTY, TO DETERMINE WHETHER ALCOHOLIC BEVERAGE CONTROL STORES SHALL BE OPERATED IN THE TOWN OF ANDREWS.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Andrews shall upon a petition to said body signed by at least fifteen per cent (15%) of the registered and qualified voters that voted in the last election for the governing body of the Town call a special election to be held on the question of whether Alcoholic Beverage Control Stores may be operated in said Town. The governing body may call the special election to be held on such date as it may determine, but not later than 60 days after the petition has been filed. The cost of the special election shall be paid from the general fund of the Town.

Sec. 2. A new registration for voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register for said election shall be entitled to vote in said election. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the Town of Andrews.

Sec. 3. In the event a special election is called under the provisions of Section 1 of this Act, there shall be submitted to the qualified voters of the Town of Andrews at said election the question of whether municipal Alcoholic Beverage Control Stores may be operated in said Town, and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for Alcoholic Beverage Control Stores to be set up and operated in the Town, but if a majority of the votes cast in such election shall be against Alcoholic Beverage Control Stores, no such stores shall be set up or operated in the Town of Andrews under the provisions of this Act. In said election a ballot shall be used upon which shall be printed on separate lines for each proposition, "For Alcoholic Beverage Control Stores", "Against Alcoholic Beverage Control Stores." Those favoring setting up and operating Alcoholic Beverage Control Stores in the Town shall mark in the voting square to the left of the words, "For Alcoholic Beverage Control Stores", printed on the ballot and those op-

posed to Alcoholic Beverage Control Stores shall mark in the voting square to the left of the words "Against Alcoholic Beverage Control Stores", printed on the ballot.

Sec. 4. If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against Alcoholic Beverage Control Stores", the Alcoholic Beverage Control Board shall be closed immediately and no beverages shall be sold at retail or otherwise to citizens of Cherokee County, and within three months from the canvassing of such votes and the declaration of the results thereof, the Alcoholic Beverage Control Board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said Board and convert the same into cash and the same be deposited in the general fund of the Town of Andrews. Thereafter, all public, local and private laws applicable to the sale of intoxicating beverages within the Town of Andrews, in force and effect prior to the authorization to operate Alcoholic Beverage Control Stores, shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of the Act in which a majority of the votes shall be cast "For Alcoholic Beverage Control Stores". No election shall be called and held in the Town under the provisions of this Act within three years from the holding of the last election thereunder. It shall be the duty of the governing body of the Town of Andrews to order the Alcoholic Beverage Control election on its own motion or within 60 days after a petition shall have been presented, filed and signed by at least fifteen per cent (15%) of the number of the registered and qualified voters of the Town of Andrews that voted in the election for the governing body of said Town in the last election requesting the same.

Sec. 5. If the operation of Town Alcoholic Beverage Control Stores is authorized under the provisions of this Act, the governing body of the Town shall immediately create a Town Board of Alcoholic Beverage Control, to be composed of a chairman and two other members who shall be well known for their good character, ability and business acumen. Said Board shall be known and designated as the "Town of Andrews Board of Alcoholic Beverage Control". The chairman of said Board shall be designated by the governing body of the Town and shall serve for his first term a period of three years. The other two members of the Board of Alcoholic Beverage Control shall be designated by the governing body of the Town, and one member shall serve for his first term a period of two years, and the other member shall serve for his first term a period of one year; all terms shall begin with the date of appointment, and after the same term shall have expired, successors in office shall serve for a period of three years. Their successors shall be named by the governing body of the Town. Any vacancy shall be filled by the governing body of the Town for the unexpired term.

Sec. 6. The Town Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G. S. 18-45, except the powers contained in G. S. 18-45(15), and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set

forth in G. S. 18-39. The Town Board of Alcoholic Beverage Control shall be subject to the provisions of Article 3 of Chapter 18 of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall apply to and include the Town Board of Alcoholic Beverage Control. The Town Board of Alcoholic Beverage Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for members of the Town Board of Alcoholic Beverage Control shall be fixed by the governing body of the Town of Andrews.

Sec. 7. The Town Board of Alcoholic Beverage Control shall, out of the gross revenue derived from the operation of Alcoholic Beverage Control Stores, pay all salaries, costs and operating expenses and retain a sufficient and proper working capital, the amount thereof to be determined by the Town Board of Alcoholic Beverage Control. The remaining revenue, as determined by quarterly audit, shall be distributed quarterly by the Town Board of Alcoholic Beverage Control as follows:

Seventy per cent (70%) to the general fund of the Town of Andrews to be used for any and all purposes for which tax and nontax revenues may be expended by the Town.

Thirty per cent (30%) to the general fund of Cherokee County. Not less than fifteen per cent (15%) of said funds shall be used for public education in the County, and the remaining funds to be used for any purpose for which tax and nontax revenues may be expended by the County.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 356 CHAPTER 892

AN ACT TO CREATE A BOARD OF WATER AND AIR RESOURCES AND TO DEFINE ITS DUTIES AND POWERS RELATING TO WATER AND AIR POLLUTION CONTROL AND WATER RESOURCE MANAGEMENT.

The General Assembly of North Carolina do enact:

Section 1. Article 21 of Chapter 143 (Vol. 3C Replacement 1964) is hereby rewritten to read as follows:

"Article 21

"Department of Water and Air Resources

"Sec. 143-211. Declaration of Public Policy. It is hereby declared to be the public policy of this State to provide for the conservation of its water and air resources. Furthermore, it is the intent of the General Assembly, within the context of this Article, to achieve and to maintain for the citizens of the State a total environment of superior quality.

Recognizing that the water and air resources of the State belong to the people, the General Assembly affirms the State's ultimate responsibility for the preservation and development of these resources in the best interests of all its citizens and declares the prudent utilization of these resources to be essential to the general welfare. It is the purpose of this Article to create an agency which shall administer a program of water and air pollution control and water resource management. It is the intent of the General Assembly, through the duties and powers defined herein, to confer such authority upon the Board of Water and Air Resources as shall be necessary to administer a complete program of water and air conservation, pollution abatement and control and to achieve a coordinated effort of pollution abatement and control with other jurisdictions. Standards of water and air purity shall be designed to protect human health, to prevent injury to plant and animal life, to prevent damage to public and private property, to insure the continued enjoyment of the natural attractions of the State, to encourage the expansion of employment opportunities, to provide a permanent foundation for healthy industrial development and to secure for the people of North Carolina, now and in the future, the beneficial uses of these great natural resources.

"Sec. 143-212. Department of Water and Air Resources Created. There is hereby created the Department of Water and Air Resources.

"Sec. 143-213. Definitions. Unless the context otherwise requires, the following terms as used in this Act are defined as follows:

"(1) 'Department' means the Department of Water and Air Resources to be governed by a Board of Water and Air Resources as created in this Article.

"(2) 'Board' means the Board of Water and Air Resources created under the provisions of this Article.

"(3) 'Person' shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.

"(4) 'Waters' shall mean any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway or any other body or accumulation of water, surface or underground, public or private, natural or artificial, which is contained within, flows through, or borders upon this State or any portion thereof, including those portions of the Atlantic Ocean over which this State has jurisdiction.

"(5) 'Waste' shall mean and include the following:

"(a) 'Sewage', which shall mean water-carried human waste discharged, transmitted, and collected from residences, buildings, industrial establishments, or other places into a unified sewerage system or an arrangement for sewage disposal or a group of such sewerage arrangements or systems, together with such ground, surface, storm, or other water as may be present.

"(b) 'Industrial waste' shall mean any liquid, solid, gaseous, or other waste substance or a combination thereof resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

"(c) 'Other waste' means sawdust, shavings, lime, refuse, offal, oil, tar chemicals, and all other substances, except industrial waste and sewage, which may be discharged into or placed in such proximity to the water that drainage therefrom may reach the water.

"(6) Whenever reference is made in this Article to the 'discharge of waste', it shall be interpreted to include the discharge of waste into any unified sewerage system or arrangement for sewage disposal, which system or arrangement in turn discharges the waste into the waters of the State.

"(7) The term 'water pollution' means a condition of any waters (as determined by standardized tests under conditions and procedures to be prescribed by official regulations to be issued under the authority of this Article) which is in contravention to the standards established and applied to such waters as set forth in G. S. 143-214.1.

"(8) The term 'standard' or 'standards' means such measure or measures of the quality of water and air as are established by the Board pursuant to Section 143-214.1 and Section 143-215.

"(9) The term 'sewer system' means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage, industrial waste or other wastes to a point of ultimate disposal.

"(10) The term 'treatment works' means any plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary land fills, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other waste.

"(11) The term 'disposal system' means a system for disposing of sewage, industrial waste or other waste, and including sewer systems and treatment works.

"(12) The term 'outlet' means the terminus of a sewer system, or the point of emergence of any sewage, industrial waste or other waste or the effluent therefrom, into the waters of the State.

"(13) The term 'watershed' means a natural area of drainage, including all tributaries contributing to the supply of at least one major waterway within the State, the specific limits of each separate watershed to be designated by the Board for all statutory purposes and to be defined by the Board in its official regulations.

"(14) The term 'effective date' means the date, as established pursuant to the statutory powers of the Board and announced by official regulations of the Board after which the statutory provisions designated by the Board shall become applicable and enforceable, with respect to persons within one or more watersheds, the State as a whole or one or more 'areas of the State' as designated by the Board.

"(15) The term 'air contaminant' means particulate matter, dust, fumes, gas, mist, smoke, or vapor or any combination thereof.

"(16) The term 'air pollution' means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and for such duration as to be injurious or detrimental to health or human safety, animal or plant life, or property.

"(17) The term 'air contamination' means the presence in the outdoor atmosphere of one or more air contaminants which contribute to a condition of air pollution.

"(18) The term 'air contamination source' means any source at, from, or by reason of which there is emitted into the atmosphere any air contaminant.

"(19) The term 'emission' means a release into the outdoor atmosphere of air contaminants.

"(20) The term 'air cleaning device' means any method, process or equipment which removes, reduces, or renders less noxious air contaminants discharged into the atmosphere.

"(21) The term 'area of the State' means any municipality or county or portion thereof or other substantial geographical area of the State as may be designated by the Board.

"Sec. 143-214. Board of Water and Air Resources. (a) Organization. There is hereby created the North Carolina Board of Water and Air Resources, hereinafter referred to as 'Board', which shall be charged with the duty of administering this Article. The Board shall consist of 13 members. The first appointments to membership on said Board shall consist of 11 selected from the membership of the State Stream Sanitation Committee and the membership of the Board of Water Resources. The two additional members shall be one licensed physician and one person, who shall, at the time of appointment, be actively connected with either the State Board of Health or a local health department. Any public official appointed to the Board shall serve ex officio. All successors to membership on the Board after the original appointments shall be made as follows: two who shall, at the time of appointment, be actively connected with and have had production experience in the field of agriculture; two who shall, at the time of appointment, be actively connected with industrial production and have had experience in the field of industrial water supply and pollution control; two who shall, at the time of appointment, be actively connected with and have had practical experience in water supply and pollution control problems of municipal government; one who shall, at the time of appointment, be actively connected with and have had experience in water or air management problems of county government; one who shall, at the time of appointment, be actively connected with and have had experience in the fish and wildlife activities of the State; one who shall, at the time of appointment, be actively connected with a public health department and have had experience in water and air pollution control activities; one licensed physician; and three members appointed from the public at large, one of whom shall, at the time of his appointment, be actively connected with and knowledgeable in the ground water industry. In making the original appointments the members shall serve by staggered terms of office so that four members shall serve for a term of six years, five members shall serve for a term of four years; and four members shall serve for a term of two years. All appointments to the Board shall be made by the Governor of North Carolina, who shall, at the time of making the appointments, fix the term of office of each member. The 13 members of the Board shall be appointed by the Governor on or before July 1, 1967. Any

public official appointed or to be appointed shall serve ex officio. The Governor shall have the power to designate the member of said Board who shall serve as Chairman thereof for such period as the Governor may fix. Upon the expiration of the respective terms of office of said members, the successors of said members shall be appointed for a term of six years each thereafter, including the member acting as Chairman of the Board. All members shall hold their offices until their successors are appointed and qualified. Any member appointed by the Governor to fill a vacancy occurring in any of the appointments shall be appointed for the remainder of the term of the member causing the vacancy. The Governor may at any time, remove any member of the Board for gross inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. In each instance appointments to fill vacancies in the membership of the Board shall be a person or persons with experience in the same field as that of the member or members being replaced.

"(b) Divisions. The Board may in its discretion divide the functions and duties of the business and affairs under the jurisdiction of the Board into such divisions or other units as the Board may think proper and may make each division or unit responsible for the discharge of its distinctive functions and duties. These shall include divisions of water and air pollution control, ground water, navigable waterways and such other divisions as the Board deems proper, and the Board may change the names of and revise the duties of its divisions or other units as it deems appropriate. The Board may assign such administrative and other personnel to each division as the Board may deem requisite and proper.

"(c) Compensation. The members of the Board shall receive the usual and customary per diem allowed for the other members of boards and commissions of the State and as fixed in the Biennial Appropriation Act, and, in addition, the members of the Board shall receive subsistence and travel expenses according to the prevailing State practices and as allowed and fixed by statute for such purposes, which said travel expenses shall also be allowed while going to or from any place of meeting or when on official business for the Board. The per diem payments made to each member of the Board shall include necessary time spent in traveling to and from their places of residence within the State to any place of meeting or while traveling on official business for the Board.

"(d) Meetings of Board. The Board shall meet at least once every three months and may hold special meetings at any time at the call of the Chairman or any three members of the Board. Both regular and special meetings shall be at places and dates to be determined by the Chairman, and all members shall be notified by the Chairman in writing of the time and place of regular and special meetings at least seven day in advance of such meetings, unless otherwise waived. Seven members of the Board shall constitute a quorum.

"(e) Administration. The Board shall have full power and authority to administer this Article and such other provisions of law as may be assigned to it, including the power and authority to adopt, amend, or rescind rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable in the administration of its

statutory authority and responsibilities. The Board shall determine its own internal organization and methods of procedure and shall have an official seal which shall be judicially noticed. Subject to other provisions of this Article, which deal with the appointment of the Director and an Assistant Director, the Board is authorized in accordance with the provisions of the Personnel Act to appoint, fix the compensation, and prescribe the duties and powers of all officers, agents, auditors, accountants, experts and any and all other persons that may be necessary in order to perform the duties required by the Board in the administration of its statutory responsibilities. The Board may delegate to any officer, agent or employee so appointed by the Board such power and authority as it deems reasonable and proper for the effective administration of its statutory responsibilities, and may, in its discretion, bond any person handling moneys or signing checks hereunder. The Board may appoint subdivisions or committees from its membership, the number of members on said subdivisions or committees being fixed by the Board, for the purpose of holding hearings and reporting same to the Board for decision, for the purpose of making investigations, for the purpose of transacting such business and carrying out such policies as the Board shall fix and direct.

"(f) Director. The Board, with the approval of the Governor, shall appoint a full-time Director, who shall be a well qualified engineer, experienced and knowledgeable in the fields of water and air resource management. The Director shall be the administrative officer of the Board and shall perform in the name of the Board such functions and duties of the Board as shall be delegated to him by formal resolution. The Director shall be paid such salary as shall be fixed by the Governor, with the approval of the Advisory Budget Commission and shall serve at the pleasure of the Board. The Director shall attend all meetings, but without the power of voting, shall keep or cause to be kept an accurate and complete record of all meetings, hearings, correspondence, laboratory studies, technical work, and shall make these records available for public inspection at all reasonable times. The Director shall direct the work of the personnel employed by the Board and perform such other duties as the Board may from time to time direct.

"(g) Personnel and Facilities of Board. The Board may employ such clerical, technical and professional personnel with such qualifications as the Board may prescribe, in accordance with the State Personnel Regulations and Budgetary Laws, and is hereby authorized to pay such personnel from any funds made available to it through grants and appropriations made to the Board or from any appropriations made to any other agency of the State for the benefit of the Board. The Board may, with the approval of the Governor, employ such consultants as it deems necessary and may compensate same for services received. The Attorney General shall act as attorney for the Board, and shall initiate actions in the name of, and at the request of, the Board, and shall represent the Board in hearing of any appeal from or other review of any order of the Board.

"(h) Acceptance and Administration of Federal or Private Funds. The Board shall have power and authority to accept, receive and administer any funds or financial assistance given, granted or provided under any

federal act or acts or from any federal agency, including funds from foundations or private sources, and to comply with all conditions and requirements necessary for the receipt, acceptance and use of said funds to the extent not inconsistent with the laws of this State and the rules and regulations thereunder pertaining to water and air resources. In the administration of either private or federal funds, the Board shall have authority to formulate plans and projects for federal approval or for the approval of foundations and to enter into such contracts and agreements as may be necessary for such purposes or to enter into joint agreements with any other agency or division of government for such purposes and to furnish such information as may be requested for any project or program related to or conducted pursuant to such plans and contracts. Such funds received by the Board pursuant to this provision shall be deposited in the State Treasury to the account of the Board and shall remain in such account until used by the Board.

"(i) Assistant Director. The Board, with the approval of the Governor, shall appoint an Assistant Director who shall be a registered engineer in the State of North Carolina. He shall be well qualified and knowledgeable in the principles of water and air pollution control. The Assistant Director appointed under this provision shall be paid a salary fixed by the Governor and approved by the Advisory Budget Commission. The Assistant Director, under the general supervision of the Director, shall carry out the administrative duties and policies with respect to the water and air pollution control programs, shall direct the work of the department in the absence of the Director and shall perform such other duties as may be delegated to him, and the duties of said Assistant Director shall be fixed by resolution of the Board. The Assistant Director shall supervise the work of the employees assigned to the water and air pollution control programs and shall have the authority to review and approve all plans, specifications and reports as may be required in connection with applications for permits and other documents of approval authorized pursuant to the provisions of this Article as same relate to the water and air pollution control programs.

"(j) Advisory Councils. There is hereby authorized the establishment of a Water Control Advisory Council and an Air Control Advisory Council, hereinafter referred to as the Advisory Councils. Each Council shall consist of nine members appointed by the Governor. The membership of each Advisory Council shall include one registered professional engineer knowledgeable in matters of water or air pollution, depending upon which Council he serves on, as well as one representative from municipal government, one representative from county government, one representative of public health, two representatives from industry providing they are from different industries, one representative of agriculture, one licensed physician knowledgeable in the health aspects of water or air pollution depending upon which Council he serves on and one practicing biologist knowledgeable in the principles of water quality management. The Assistant Director shall serve as secretary to the Advisory Councils. The Councils shall meet either separately or jointly at the request of the Chairman of the Board or any three members of the Board. Such administrative services and moneys as may be made available to or for the

Advisory Councils shall be charges on the Board. Members of the Advisory Councils shall serve at the pleasure of the Governor. The members shall serve without compensation but shall receive regular State subsistence and travel expenses during the performance of their duties. The Advisory Councils shall assist the Board in the development of rules, regulations, and quality standards for water and air as may be considered necessary to achieve the purposes of this Article and may consider other matters related to the purposes of this Act, which may be submitted to it by the Board.

"Sec. 143-214.1. Water; Water Quality Standards and Classifications; Duties of Board. (a) The Board is hereby directed and empowered, as rapidly as possible within the limits of funds and facilities available to it, and subject to the procedural requirements of this Article:

"(1) To develop and adopt, after proper study, a series of classifications and the standards applicable to each such classification, which will be appropriate for the purpose of classifying each of the waters of the State in such a way as to promote the policy and purposes of this Article most effectively;

"(2) To survey all the waters of the State and to separately identify all such waters as the Board believes ought to be classified separately in order to promote the policy and purposes of this Article, omitting only such waters, as in the opinion of the Board, are insufficiently important to justify classification or control under this Article; and

"(3) To assign to each identified water of the State such classification, from the series adopted as specified above, as the Board deems proper in order to promote the policy and purposes of this Article most effectively.

"(b) Criteria for Classification. In developing and adopting classifications, and the standards applicable to each, the Board shall recognize that a number of different classifications should be provided for (with different standards applicable to each) so as to give effect to the need for balancing conflicting considerations as to usage and other variable factors; that different classifications with different standards applicable thereto may frequently be appropriate for different segments of the same water; and that each classification and the standards applicable thereto should be adopted with primary reference to the best usage to be made of the waters to which such classification will be assigned.

"(c) Criteria for Standards. In establishing the standards applicable to each classification, the Board shall consider and the standards when finally adopted and published shall state: The extent to which any physical, chemical, or biological properties should be prescribed as essential to the contemplated best usage.

"(d) Criteria for Assignment of Classifications. In assigning to each identified water the appropriate classifications (with its accompanying standards), the Board shall consider, and the decision of the Board when finally adopted and published shall contain its conclusions with respect to the following factors as related to such identified waters:

"(1) The size, depth, surface area covered, volume, direction and rate of flow, stream gradient and temperature of the water;

"(2) The character of the district bordering said water, including any peculiar suitability such district may have or any dominant economic in-

terest or development which has become established in relation to or by reason of any particular use of such water;

"(3) The uses and extent thereof which have been made, are being made, or may in the future be made, of such water for domestic consumption, bathing, fish or wildlife and their culture, industrial consumption, transportation, fire prevention, power generation, the disposal of sewage, industrial wastes and other wastes, or any other uses.

"(e) Proposed Adoption and Assignment of Classification. Prior to the adoption by the Board of the series of classifications and standards applicable thereto as specified in subparagraph (a) (1) of this Section, prior to the assignment by the Board of any such classifications to any waters as specified in subparagraph (a) (3) of this Section, and prior to any modification of any of such actions previously taken by the Board, the Board shall give notice of its proposed action and shall conduct one or more public hearings with respect to any such proposed action in accordance with the following requirements:

"(1) Notice of any such hearing shall be given not less than 20 days before the date of such hearing and shall state the date, time, and place of hearing, the subject of the hearing, and the action which the Board proposes to take. The notice shall either include details of such proposed action, or where such proposed action, as in the case of proposed assignments of classifications to identified waters, is too lengthy for publication, as hereinafter provided for, the notice shall specify that copies of such detailed proposed action can be obtained on request from the office of the Board in sufficient quantity to satisfy the requests of all interested persons.

"(2) Any such notice shall be published at least once in one newspaper of general circulation circulated in each county of the State in which the water area affected is located, and a copy of such notice shall be mailed to each person on the mailing list required to be kept by the Board pursuant to the provisions of Section 143-215.4.

"(3) Any person who desires to be heard at any such public hearing shall give notice thereof in writing to the Board on or before the first date set for the hearing. The Board is authorized to set reasonable time limits for the oral presentation of views by any one person at any such public hearing. The Board shall permit anyone who so desires to file a written argument or other statement with the Board in relation to any proposed action of the Board any time within 30 days following the conclusion of any public hearing or within any such additional time as the Board may allow by notice given as prescribed in this Section.

"(f) Final Adoption and Assignment of Classification. Upon completion of hearings and consideration of submitted evidence and arguments with respect to any proposed action of the Board pursuant to this Section, the Board shall adopt its final action with respect thereto and shall publish such final action as part of its official regulations. When final action has been adopted and is published with respect to the assignment of classifications applicable to the identified waters of any one or more watersheds within the State, the Board shall likewise publish as part of its official regulations, the effective date for the application of the provisions of Section 143-215.1 and 143-215.2 to persons within such watershed or watersheds.

"(g) Board's Power to Modify or Revoke. The Board is empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this part; any such modification or revocation, however, to be subject to the procedural requirements of this Article.

"Sec. 143-215. Air Quality Standards and Classifications. (a) The Board is hereby directed and empowered, as rapidly as possible within the limits of funds and facilities available to it, and subject to the procedural requirements of this Article:

"(1) To prepare and develop, after proper study, a comprehensive plan or plans for the prevention, abatement and control of air pollution in the State or in any designated area of the State.

"(2) To determine by means of field sampling and other studies, including the examination of available data collected by any local, State or federal agency or any person, the degree of air contamination and air pollution in the State and the several areas of the State.

"(3) To develop and adopt, after proper study, air quality standards applicable to the State as a whole or to any designated area of the State as the Board deems proper in order to promote the policies and purposes of this Article most effectively.

"(4) To develop and adopt classifications for use in classifying air contaminant sources, which in the judgment of the Board may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which relate to air pollution and may require reporting for any such class or classes. Such classifications may be for application to the State as a whole or to any designated area of the State, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property. Any person operating or responsible for the operation of air contaminant sources of any class for which the Board requires reporting shall make reports containing such information as may be required by the Board concerning location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of emissions, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

"(5) To develop and adopt such emission control standards as in the judgment of the Board may be necessary to prohibit, abate or control air pollution commensurate with established air quality standards. Such standards may be applied uniformly to the State as a whole or to any area of the State designated by the Board.

"(b) Criteria for Standards. In developing air quality and emission control standards, the Board shall recognize varying local conditions and requirements and may prescribe different standards for different areas, as may be necessary and appropriate to facilitate accomplishment of the stated purposes of this Article.

"(c) Proposed Adoption of Standards and Classifications. Prior to the adoption by the Board of air quality standards, emission control standards and classifications for air contaminant sources, and prior to any modification of any such actions previously taken, the Board shall give notice of its proposed action and shall conduct one or more public hearings with respect

to any such proposed action in accordance with the procedure set forth in subparagraphs (e) (1), (e) (2), and (e) (3) of Section 143-214.1.

"(d) Final Adoption of Air Quality Standards, Emission Control Standards and Classifications for Air Contaminant Sources. Upon completion of hearings and consideration of submitted evidence and arguments concerning any proposed action by the Board with respect to the adoption of air quality standards, emission control standards and classifications for air contaminant sources, the Board shall adopt its final action with respect thereto and shall publish such final action as a part of its official regulations. When final action has been adopted and is published with respect to the aforestated standards and classifications, the Board shall likewise publish as a part of its official regulations, the effective date for the application of the provisions of Sections 143-215.1 and 143-215.2 to persons within the State as a whole or within any designated area of the State.

"(e) Board's Power to Modify or Revoke. The Board is hereby empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this part, any such modification or revocation, however, to be subject to the procedural requirements of this Article.

"Sec. 143-215.1. Control of New Sources of Air and Water Pollution; Permits Required. (a) Water. After the effective date applicable to any watershed established pursuant to Section 143-214.1, no person shall do any of the following things or carry out any of the following activities until or unless such person shall have applied for and shall have received from the Board a permit therefor and shall have complied with such conditions, if any, as are prescribed by such permit:

"(1) Make any new outlets into the water of such watershed;

"(2) Construct or operate any new sewer system, treatment works or disposal system within such watershed;

"(3) Alter, extend, or change the construction or the method of operation of any existing sewer system, treatment works or disposal system within such watershed;

"(4) Increase the quantity (determined by such method of measurement as the Board shall prescribe by its official regulations) of sewage, industrial waste, or other waste discharged through any existing outlet or processed in any existing treatment works or disposal system to an extent which would adversely affect the condition of the receiving water within such watershed in relation to any of the standards applicable to such water, or to an extent beyond such minimum limits as the Board may prescribe, by way of general exemption from the provisions of this paragraph, by its official regulations;

"(5) Change the nature of the sewage, industrial waste or other waste discharged through any existing disposal system in any way which would adversely affect the condition of the receiving water within such watershed in relation to any of the standards applicable to such water.

"In connection with the above, no such permit shall be granted for the disposal of wastes into waters classified as sources of public water supply, where the State Board of Health determines and advises the Board that such disposal is sufficiently close to the intake works of a public water supply as to have an adverse effect thereon, until the Board has referred

the complete plans and specifications to the State Board of Health and has received advice in writing that same are approved in accordance with the provisions of G. S. 130-161. In any case where the Board denies a permit, it shall state in writing the reason for such denial and shall also state the Board's estimate of the changes in the applicant's proposed activities or plans which will be required in order that the applicant may obtain a permit.

"(b) Air. After the effective date applicable to any air quality or emission control standards established pursuant to Section 143-215, no person shall do any of the following things or carry out any of the following activities which would contravene or be likely to contravene such standards until or unless such person shall have applied for and shall have received from the Board a permit therefor and shall have complied with such conditions, if any, as are prescribed by such permit:

"(1) Establish or operate any new air contaminant source;

"(2) Build, erect, use or operate any new equipment which may result in the emission of air contaminants or which is likely to cause air pollution;

"(3) Alter or change the construction or method of operation of any existing equipment or process from which air contaminants are or may be emitted.

"(4) Enter into a contract for the construction and installation of any air cleaning device, or allow or cause such device to be constructed, installed, or operated.

"Any plant, facility, equipment or air cleaning device which on the effective date of such control standards is under construction or being installed, or is the subject of a contract for construction, installation or purchase, shall not be considered within the meaning of subsection (b) to be a new air contaminant source, new equipment or a new air cleaning device.

"(c) Board's Power as to Permits. The Board shall act upon all applications for permits so as to effectuate the purpose of this Section, by preventing, so far as reasonably possible, any pollution or any increased pollution of the waters and air of the State from any additional or enlarged sources.

"The Board shall have the power:

"(1) To grant a permit with such conditions attached as the Board believes necessary to achieve the purposes of this Section;

"(2) To grant any temporary permit for such period of time as the Board shall specify even though the action allowed by such permit may result in pollution or increase pollution where conditions make such temporary permit essential; and

"(3) To modify or revoke any permit upon not less than 60 days' written notice to any person affected.

"No permit shall be denied and no condition shall be attached to the permit, except when the Board finds such denial or such conditions necessary to effectuate the purposes of this Section.

"(d) Procedure as to Application and Permits. All applications for permits and all permits issued by the Board, or decisions denying any applications for a permit, shall be in writing. The Board shall act on all applications for permits as rapidly as possible. The Board shall have

power to request such information from an applicant and to conduct such inquiry or investigation as it may deem necessary prior to acting on any application for a permit. Failure of the Board to take action on an application for a permit within 90 days shall be treated as approval of such application. The Board shall adopt such forms and rules as it deems necessary, to be published as part of its rules of procedure, with respect to the application for the grant or denial of permits pursuant to this Section. Such rules may require the submission of plans and specifications and other information as the Board deems necessary to the proper evaluation of the application for a permit.

"(e) Hearings and Appeals. Any person whose application for a permit is denied, or is granted subject to conditions which are unacceptable to such person, or whose permit is modified or revoked, shall have the right to a hearing before the Board upon making demand therefor within 30 days following the giving of notice by the Board as to its decision on such application. Unless such a demand for a hearing is made, the decision of the Board on the application shall be final and binding. If demand for a hearing is made, the procedure with respect thereto and with respect to all further proceedings shall be as specified in Section 143-215.4 and in any applicable rules of procedure of the Board.

"Sec. 143-215.2. Abatement of Existing Pollution; Required Compliance with Special Orders. (a) After the effective date applicable to any watershed, or established for any air quality standards or emission control standards, no person shall discharge any sewage, industrial waste, or other waste into the waters of such watershed or any air contaminants into the outdoor atmosphere of the State of any designated area thereof in violation of, or except upon compliance with the terms of, any special order, or other appropriate instrument, issued by the Board to such person in accordance with the procedure specified by this Article.

"(b) Board's Powers as to Special Orders. The Board is hereby empowered, after the effective date applicable to any watershed, or established for any air quality standards or emission control standards, to issue (and from time to time to modify or revoke) a special order, or other appropriate instrument, to any person whom it finds responsible for causing or contributing to any pollution of water within such watershed or pollution of the air within the area for which standards have been established. Such an order or instrument may direct such person to take, or refrain from taking such action, or to achieve such results, within a period of time specified by such special order, as the Board deems necessary and feasible in order to alleviate or eliminate such pollution. No such special order shall be issued against a person, or, if issued, the time for compliance therewith by such person shall be extended to the extent necessary, where the Board concludes, after investigation, or where it is demonstrated after a hearing, that it is impossible or, for the time being, not feasible for such person to correct or eliminate the activities causing or contributing to any such pollution. Such a situation shall be deemed to exist where no adequate or practical method of disposal, control, or treatment is known for the particular waste or air contaminant for which such person is responsible, or where the cost of any such known method of disposal, control or treatment is unduly burdensome in comparison with the pollu-

tion abatement results which can be achieved, or where a known method of disposal, abatement, or treatment cannot be adopted because of financial inability (due to statutory restriction on borrowing power or otherwise), or where there is reason to believe that diligent research and experimentation is being carried on to such an extent as to justify postponement of the adoption of relatively inefficient known methods of disposal, abatement, or treatment until further opportunity is given for the discovery of more effective methods. The burden of proof as to any of such conditions or any other conditions alleged to exist as a reason for the nonissuance of a special order or for extension of the time of compliance therewith shall be upon the person alleging such conditions.

"(c) Procedure as to Special Orders. No special order shall be issued by the Board (unless issued upon the consent of a person affected thereby) except after a hearing in accordance with the procedural requirements specified in Section 143-215.4 and in any applicable rules of procedure of the Board. Any special order shall be based on and shall set forth the findings of fact resulting from evidence presented at such hearing and shall specify the time within which the person against whom such order is issued shall achieve the results required by the special order.

"(d) Appeals. Any person against whom a special order is issued shall have the right to appeal in accordance with the provisions of Section 143-215.5. Unless such appeal is taken within the prescribed time limit, the special order of the Board shall be final and binding.

"(e) Encouragement of Voluntary Action. The powers conferred by this Section are granted for the purpose of enabling the Board to carry out a State-wide program of water and air pollution abatement to the end that ultimately the purposes of this Article will be achieved. It is the intent of this Section, however, that the Board should seek to obtain the cooperative effort of all persons contributing to each situation involving water or air pollution in remedying such situation, and that the powers granted by this Section shall be exercised only when the objective of this Section cannot be otherwise achieved within a reasonable time.

"(f) Equality of Enforcement Action. It is the intent of this Article that a comprehensive all-inclusive effort be made to accomplish the purpose of this Article and to that end it is specifically provided that whenever more than one person is found to be responsible for a condition involving pollution of the air of any area of the State or water of any segment of any particular water as identified and classified under Sections 143-214.1 and 143-215 that the Board shall endeavor to obtain the cooperative effort of all such persons and that if this cannot be accomplished and the Board deems it necessary to take enforcement action to correct such pollution, by invoking the power granted by this Article, such action shall be taken against all persons who share responsibility for such condition, to the extent that such persons have not voluntarily undertaken satisfactory remedial measures or have not agreed, by consenting to the issuance of special orders pursuant to this Section to undertake such measures.

"When an order of the Board to abate a water or air pollution problem is served upon a municipality, upon a metropolitan sewerage district, or upon a sanitary district, the governing board of such municipality, metropolitan sewerage district, or sanitary district shall, unless said order be

reversed on appeal, proceed to provide funds, using any or all means necessary and available therefor by law, by issuance of bonds secured by the full faith and credit of such municipality or district or by issuance of revenue bonds or otherwise, for financing the cost of all things necessary for full compliance with said order and shall thereby comply with said order: Provided, nothing herein shall be construed to supersede or modify the provisions of the Local Government Act or of the Revenue Bond Act of 1938 with respect to approval or disapproval of bonds by the Local Government Commission and to the sale of bonds by said Commission.

"(g) Voluntary Projects; Applications for Certificate of Approval; Installation of Treatment Works or Air Cleaning Devices and Approval Thereof. Prior to the effective date applicable to any watershed or established for any air quality standards or emission control standards, any person who is discharging or who proposes to discharge sewage, industrial waste, or other waste into any waters of the State or who is discharging or who proposes to discharge any air contaminants into the air of the State may submit to the Board proposed plans for the installation of treatment works with respect to such sewage, industrial waste or other waste, or for the installation of air cleaning devices, with respect to such air contaminants and apply to the Board for approval thereof. Such applications shall be in such form as the Board may prescribe in its rules of procedure, shall describe in precise detail the nature and volume of the sewage, industrial waste, other waste, or air contaminant which the applicant discharges or proposes to discharge, and shall contain or be supplemented by any information or plans and specifications whatsoever which the Board may request. The applicant may submit the opinion of any independent expert as to the probable effectiveness and results of such treatment works or air cleaning devices and the Board may request that the opinion of experts or additional experts be obtained in any case where it considers the same necessary, the expense in connection therewith to be borne by the applicant. Such an application may be filed by any person irrespective of whether any proceedings involving such person have been taken or are pending under any other provision of this Article.

"(h) Voluntary Projects, Conditions for Issuance of Certificate. The Board shall make a thorough investigation of any application filed pursuant to this Section before acting thereon, and may require the applicant to submit any statements in support of such application under oath. The Board shall not issue a certificate of approval to any applicant, unless it finds that the proposed treatment works or air cleaning devices, if installed and operated in accordance with the plans submitted to the Board:

"(1) Will provide an effective method of preventing or abating actual or potential pollution of the waters or air into which the applicant is discharging or proposes to discharge any air contaminants or sewage, industrial waste, or other waste; and

"(2) Will require such expenditure by the applicant, in relation to the air cleaning or waste treatment problem to be remedied and the size and nature of the applicant's activities resulting in such problem, that it is fair to give the applicant reasonable protection against being required by law, at some later date, to make further capital expenditures in connection with the same air cleaning or waste treatment problem.

"(i) Voluntary Projects, Effect of Certificate of Approval. If the Board approves the proposed air cleaning devices or waste treatment works, with any modifications it may recommend, it shall have the power to issue to the applicant a certificate of approval which shall have the following effect and be subject to the following limitations:

"(1) Such certificate shall give the person to whom it is issued binding assurance that, for the period specified in the certificate and so long as such person complies with all the terms of the certificate, he will not be required to take or refrain from any further action nor be required to achieve any further results under the terms of this or any other State law relating to the control of water or air pollution, for the purpose of alleviating or eliminating any pollution or alleged pollution resulting from the sewage, industrial waste, other waste, or air contaminants, which such person is discharging into any water or the atmosphere.

"(2) Such certificate shall be effective from the date of its issuance for such period of time as the Board deems fair and reasonable in the light of all the circumstances.

"(3) Such certificate shall provide that it shall become void unless the applicant completes the proposed air cleaning devices or waste treatment works within a time limit specified in such certificate, and unless the proposed air cleaning devices or waste treatment works are constructed and at all times operated in accordance with the plans and specifications approved by the Board pursuant to this Section.

"(4) Such certificate shall be effective only with respect to the nature and volume of air contaminants or sewage, industrial waste or other waste described in the application or in the certificate itself after treatment by the proposed treatment works or air cleaning devices.

"(5) Such certificate shall inure to the benefit of any successors or assigns of the applicant subject to the same conditions as are applicable to the applicant.

"(6) Such certificate may impose any other limitations on its effectiveness as the Board may deem necessary or appropriate.

"(j) Voluntary Projects, Procedure. The Board by rules of procedure, not inconsistent with this Article, may specify any further rules applicable to the granting of certificates of approval pursuant to this Section. Any action by the Board on an application for a certificate of approval is a matter of discretion and consequently there shall be no right to a hearing nor to an appeal with respect to any refusal of the Board to grant any certificate of approval, or to the terms thereof. The Board shall have power to entertain and act on applications for modification of any certificate of approval. The Board shall have no power to revoke or modify a certificate of approval which has been issued, except by agreement, or except where the terms of such certificate have been violated or have not been fulfilled.

"(k) Nonvoluntary Projects, Effect of Compliance. Any person who installs a treatment works or an air cleaning device for the purpose of alleviating or eliminating water or air pollution in compliance with the terms of, or as a result of conditions specified in, a permit issued pursuant to Section 143-215.1 or a special order issued pursuant to Section 143-215.2 or a final decision of the Board or a court rendered decision pursuant to

either of said Sections, shall not be required to take or refrain from any further action nor be required to achieve any further results under the terms of this or any other State law relating to the control of water or air pollution, for a period to be fixed by the Board or court as it shall deem fair and reasonable in the light of all the circumstances after the date when such special order or decision or the conditions of such permit become finally effective, if:

"(1) The treatment works or air cleaning devices result in the elimination or alleviation of water or air pollution to the extent required by such permit, special order or decision and complies with any other terms thereof; and

"(2) Such person complies with the terms and conditions of such permit, special order or decision within the time limit, if any, specified thereby or as the same may be extended, and thereafter remains in compliance.

"Sec. 143-215.3. General Powers of Board; Auxiliary Powers. (a) In addition to the specific powers prescribed elsewhere in this Article, and for the purpose of carrying out its duties, the Board shall have the power:

"(1) To adopt from time to time and to modify and revoke official regulations interpreting and applying the provisions of this Article and rules of procedure establishing and amplifying the procedures to be followed in the administration of this Article: Provided, that no regulations and no rules of procedure shall be effective nor enforceable until published and filed as prescribed by Section 143-215.4;

"(2) To conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed by this Article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition of any waters and the discharge therein of any sewage, industrial waste or other waste or for the purpose of investigating the condition of the air, air pollution, air contaminant sources, emissions or the installation and operation of any air cleaning devices, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the operation of any air cleaning device, sewer system, disposal system or treatment works: Provided, that no person shall be required to disclose any secret formula, processes, or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Board who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties;

"(3) To conduct public hearings in accordance with the procedures prescribed by this Article;

"(4) To delegate such of the powers of the Board as the Board deems necessary to one or more of its members, to its Director, Assistant Director, or to any other qualified employee of the Board; provided, that the provisions of any such delegation of power shall be set forth in the official regulations of the Board; and provided further that the Board shall not delegate to persons other than its own members and its own qualified em-

ployees the power to conduct hearings with respect to the classification of waters, the assignment of classifications, air quality standards, air contaminant source classifications, emission control standards, or the issuance of any special order except in the case of an emergency under subsection 143-215.3 (a) (12) for the abatement of existing water or air pollution. Any employee of the Board to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Board for decision;

"(5) To institute such actions in the Superior Court in the county in which any defendant resides, or has his or its principal place of business, as the Board may deem necessary for the enforcement of any of the provisions of this Article or of any official actions of the Board, including proceedings to enforce subpoenas or for the punishment of contempt of the Board;

"(6) To agree upon or enter into any settlements or compromises of any actions and to prosecute any appeals or other proceedings.

"(7) To investigate any killing of fish and wildlife which, in the opinion of the Board, is of sufficient magnitude to justify investigation and is known or believed to have resulted from the pollution of the waters or air as defined in this Article, and whenever any person, whether or not he shall have been issued a certificate of approval, permit or other document of approval authorized by this or any other State law, has negligently, or carelessly or unlawfully, or wilfully and unlawfully, caused pollution of the waters or air as defined in this Article, in such quantity, concentration or manner that fish or wildlife are killed as the result thereof, the Board may recover, in the name of the State, damages from such person. The measure of damages shall be the amount determined by the Board and the North Carolina Wildlife Resources Commission or the North Carolina Department of Conservation and Development, whichever has jurisdiction over the first or wildlife destroyed, to be the replacement costs thereof plus the cost of all reasonable and necessary investigations made or caused to be made by the State in connection therewith. Upon receipt of the estimate of damages caused, the Board shall notify the persons responsible for the destruction of the fish or wildlife in question and may effect such settlement as it deems proper and reasonable, and if no settlement is reached within a reasonable time, the Board shall bring a civil action to recover such damages in the Superior Court in the county in which the discharge took place. Upon such action being brought the Superior Court shall have jurisdiction to hear and determine all issues or questions of law or fact, arising on the pleadings, including issues of liability and the amount of damages.

"The State of North Carolina shall be deemed the owner of the fish or wildlife killed and all actions for recovery shall be brought by the Board on behalf of the State as the owner of the fish or wildlife. The fact that the person or persons alleged to be responsible for the pollution which killed the fish or wildlife holds or has held a certificate of approval, permit or other document of approval authorized by this Article or any other law of the State shall not bar any such action. The proceeds of any recovery had, less the cost of investigations, recovered and retained or otherwise disbursed by the Board to the appropriate investigating agencies, shall be

paid to the appropriate State agency to be used to replace, insofar as and as promptly as possible, the fish and wildlife killed, or in cases where replacement is not practicable, the proceeds shall be used in whatever manner the responsible agency deems proper for improving the fish and wildlife habitat in question. Any such funds received are hereby appropriated for these designated purposes. Nothing in this paragraph shall be construed in any way to limit or prevent any other action which is now authorized by this Article.

"(8) To make a continuing study of the effects of the emission of air contaminants from motor vehicles on the quality of the outdoor atmosphere of the State and the several areas thereof, and make recommendations to the General Assembly and other appropriate public and private bodies for the control of such air contaminants.

"(9) Consult, upon request, with any person, proposing to construct, install, or otherwise acquire an air or water pollution source, air cleaning device or waste disposal system for the control of air contaminants or waste discharges concerning the efficacy of such device or disposal system, or the air or water pollution problem which may be related to such source, device or disposal system; provided, however, that nothing in any such consultation shall be construed to relieve any person from compliance with this Article, rules and regulations adopted pursuant thereto, or any other provision of law.

"(10) To encourage local units of government to handle air pollution problems within their respective jurisdictions and on a cooperative basis, and to provide such local units technical and consultative assistance to the maximum extent possible.

"(11) Local Air Pollution Control Programs. (a) To review and have general oversight and supervision over all existing or proposed local air pollution control programs and to this end shall review and certify such programs as being adequate to meet the requirements of this Article and any applicable standards and rules and regulations pursuant thereto. The Board shall certify any local program which:

"1. Provides by ordinance or local law for requirements compatible with those imposed by the provisions of this Article, and the standards and rules and regulations issued pursuant thereto; provided, however, the Board upon request of a municipality or other local unit may grant special permission for the governing body of such unit to adopt a particular class of air contaminant regulations which would result in more effective air pollution control than applicable standards, rules, or regulations promulgated by the Board.

"2. Provides for the adequate enforcement of such requirements by appropriate administrative and judicial process;

"3. Provides for an adequate administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out its programs; and

"4. Is approved by the Board as adequate to meet the requirements of this Article and any applicable rules and regulations pursuant thereto.

"(b) No municipality, county, local board or commission or group of municipalities and counties may establish and administer an air pollution

control program unless such program meets the requirements of paragraph 11 of subsection (a) of this Section and is so certified by the Board.

"(c) If the Board finds that the location, character or extent of particular concentrations of population, air contaminant sources, the geographic, topographic or meteorological considerations, or any combinations thereof, are such as to make impracticable the maintenance of appropriate levels of air quality without an area-wide air pollution control program, the Board may determine the boundaries within which such program is necessary and require such area-wide program as the only acceptable alternative to direct State administration.

"(d) 1. If the Board has reason to believe that a local air pollution control program certified and in force pursuant to the provisions of this Section is inadequate to abate or control air pollution in the jurisdiction to which such program relates, or that such program is being administered in a manner inconsistent with the requirements of this Article, the Board shall, upon due notice, conduct a hearing on the matter.

"2. If, after such hearing the Board determines that an existing local air pollution control program or one which has been certified by the Board is inadequate to abate or control air pollution in the municipality, county, or municipalities or counties to which such program relates, or that such program is not accomplishing the purposes of this Article, it shall set forth in its findings the corrective measures necessary for continued certification and shall specify a reasonable period of time, not to exceed one year, in which such measures must be taken if certification is not to be rescinded.

"3. If the municipality, county, local board or commission or municipalities or counties fail to take such necessary corrective action within the time specified, the Board shall rescind any certification as may have been issued for such program and shall administer within such municipality, county, or municipalities or counties all of the regulatory provisions of this Article. Such air pollution control program shall supersede all municipal, county or local laws, regulations, ordinances and requirements in the affected jurisdiction.

"4. If the Board finds that the control of a particular class of air contaminant source because of its complexity or magnitude is beyond the reasonable capability of the local air pollution control authorities or may be more efficiently and economically performed at the State level, it may assume and retain jurisdiction over that class of air contaminant source. Classification pursuant to this paragraph may be either on the basis of the nature of the sources involved or on the basis of their relationship to the size of the communities in which they are located.

"5. Any municipality or county in which the Board administers its air pollution control program pursuant to paragraph (3) of this subsection may, with the approval of the Board, establish or resume a municipal, county, or local air pollution control program which meets the requirements for certification by the Board.

"6. Nothing in this Article shall be construed to supersede or oust the jurisdiction of any local air pollution control program in operation on the effective date of this Article; provided that within two years from such date any such program shall meet all requirements of this Article for

certification by the Board as an approved local air pollution control program. Any certification required from the Board shall be deemed granted unless the Board takes specific action to the contrary.

"7. Any municipality, county, local board or commission or municipalities or counties or designated area of this State for which a local air pollution control program is established or proposed for establishment may make application for, receive, administer and expend federal grant funds for the control of air pollution or the development and administration of programs related to air pollution control; provided that any such application is first submitted to and approved by the Board. The Board shall approve any such application if it is consistent with this Article and other applicable requirements of law.

"(12) To declare an emergency when it finds that a generalized condition of water or air pollution which is causing imminent danger to the health or safety of the public. Regardless of any other provisions of law, if the department finds that such a condition of water or air pollution exists and that it creates an emergency requiring immediate action to protect the public health and safety or to protect fish and wildlife, the Assistant Director, with the approval of the Director and the concurrence of the Governor, shall order persons causing or contributing to the water or air pollution in question to reduce or discontinue immediately the emission of air contaminants or the discharge of wastes. Immediately after the issuance of such order, the Chairman of the Board shall fix a place and time for a hearing before the Board to be held within 24 hours after issuance of such order, and within 24 hours after the commencement of such hearing, and without adjournment thereof, the Board shall either affirm, modify or set aside the order of the Assistant Director.

"In the absence of a generalized condition of air or water pollution of the type referred to above, if the Assistant Director finds that the emissions from one or more air contaminant sources or the discharge of wastes from one or more sources of water pollution is causing imminent danger to human health and safety or to fish and wildlife, he may with the approval of the Director and the concurrence of the Governor order the person or persons responsible for the operation or operations in question to immediately reduce or discontinue the emissions of air contaminants or the discharge of wastes or to take such other measures as are, in his judgment, necessary, without regard to any other provisions of this Article. In such event, the requirements for hearing and affirmance, modification or setting aside of such orders set forth in the preceding paragraph of this provision shall apply.

"Nothing in this subsection shall be construed to limit any power which the Governor or any other officer may have to declare an emergency and act on the basis of such declaration, if such power is conferred by statute or constitutional provision, or inheres in the office.

"(b) Research Functions. The Board shall have the power to conduct scientific experiments, research, and investigations to discover economical and practical corrective methods for air pollution and waste disposal problems. To this end, the Board may cooperate with any public or private agency or agencies in the conduct of such experiments, research, and investigations, and may, when funds permit, establish research studies in

any North Carolina educational institution, with the consent of such institution. In addition, the Board shall have the power to cooperate and enter into contracts with technical divisions of State agencies, institutions and with municipalities, industries, and other persons in the execution of such surveys, studies, and research as it may deem necessary in fulfilling its functions under this Article. All State departments shall advise with and cooperate with the Board on matters of mutual interest.

"(c) Relation with the Federal Government. The Board as official water and air pollution control agency for the State is delegated to act in local administration of all matters covered by any existing federal statutes and future legislation by Congress relating to water and air quality control.

"(d) Relations With Other States. The Board may, with the approval of the Governor, consult with qualified representatives of adjoining states relative to the establishment of regulations for the protection of waters and air of mutual interest, but the approval of the General Assembly shall be required to make any regulations binding.

"Sec. 143-215.4. General Provisions as to Procedure; Seal. (a) Persons Entitled to Notice, Mailing List. In any proceeding pursuant to Sections 143-215.1, 143-215.2, 143-215.3, the Board shall give notice with respect to all steps of the proceeding only to each person directly affected by such proceeding who shall be made a party thereto. In all proceedings pursuant to Sections 143-214.1 and 143-215, the Board shall give notice as provided by that Section, and it shall also give notice of all its official acts (such as the adoption of regulations or rules of procedure) which have, or are intended to have, general application and effect, to all persons on its mailing list on the date when such action is taken. It shall be the duty of the Board to keep such a mailing list on which it shall record the name and address of each person who requests listing thereon, together with the date of receipt of such request. Any person may, by written request to the Board, ask to be permanently recorded on such mailing list.

"(b) Publication and Codification of Board's Regulations and Rules. All official acts of the Board which have or are intended to have general application effect shall be incorporated either in the Board's official regulations (applying and interpreting this Article), or in its rules of procedure. All such regulations and rules shall upon adoption thereof by the Board be printed (or otherwise duplicated), and a duly certified copy thereof shall immediately be filed with the Secretary of State. One copy of each such action shall at the same time be mailed to all persons then on the mailing list, and additional copies shall at all times be kept at the office of the Board in sufficient numbers to satisfy all reasonable requests therefor. The Board shall codify its regulations and rules and from time to time shall revise and bring up to date such codifications.

"(c) Notices. All notices which are required to be given by the Board or by any party to a proceeding shall be given by registered or certified mail to all persons entitled thereto, including the Board. The date of receipt for such registered or certified mail shall be the date when such notice is deemed to have been given. Notice by the Board may be given to any person upon whom a summons may be served in accordance with the provisions of law covering civil actions in the Superior Courts of this

State. Any notice shall be sufficient if it reasonably sets forth the action requested or demanded or gives information as to action taken. The Board by its rules of procedure may prescribe other necessary practices and procedures with regard to the form, content and procedure as to any particular notices.

"(d) Hearings. The following provisions, together with any additional provisions not inconsistent herewith which the Board may prescribe, shall be applicable in connection with hearings pursuant to this Article, except where other provisions are applicable in connection with specific types of hearings:

"(1) Any hearing held pursuant to Sections 143-215.1 and 143-215.2 or 143-215.3, except those held pursuant to subsection (a) (12) of Section 143-215.3, whether called at the instance of the Board or of any person, shall be held upon not less than 30 days' written notice given by the Board to any person who is, or is entitled to be, a party to the proceedings with respect to which such hearing is to be held, unless a shorter notice is agreed upon by all such parties.

"(2) All hearings shall be before the Board or its authorized agent or agents, and the hearing shall be open to the public. The Board, or its authorized agents, shall have the authority to administer oaths.

"(3) A full and complete record of all proceedings at any hearing shall be taken by a reporter appointed by the Board or by other method approved by the Attorney General. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the Board.

"(4) The Board shall follow generally the procedures applicable in civil actions in the Superior Court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

"(5) Subpoenas or subpoenas duces tecum issued by the Board, in connection with any hearing, shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be prescribed in connection with subpoenas to the same extent as if issued by a court of record. In case of a refusal to obey a notice of hearing or subpoena issued by the Board, application may be made to the Superior Court of the appropriate county for enforcement thereof.

"(6) The burden of proof at any hearing shall be upon the person or the Board, as the case may be, at whose instance the hearing is being held.

"(7) No decision or order of the Board shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.

"(8) Following any hearing, the Board shall afford the parties thereto a reasonable opportunity to submit within such time as prescribed by the Board proposed findings of fact and conclusions of law and any brief in connection therewith. The record in the proceeding shall show the Board's ruling with respect to each such requested finding of fact and conclusion of law.

"(9) All orders and decisions of the Board shall set forth separately the Board's findings of fact and conclusions of law and shall, wherever necessary, cite the appropriate provision of law or other source of authority on which any action or decision of the Board is based.

"(10) As previously recited above, the Board shall have the authority to adopt a seal which shall be the seal of said Board and which shall be judicially noticed by the courts of the State. Any document, proceeding, order, decree, special order, rule, regulation, rule of procedure or any other official act or records of the Board or its minutes may be certified by the Director or Assistant Director of the department under his hand and the seal of the Board and when so certified shall be received in evidence in all actions or proceedings in the courts of the State without further proof of the identity of the same if such records are competent, relevant and material in any such action or proceeding. The Board shall have the right to take judicial notice of all studies, reports, statistical data or any other official reports or records of the Federal Government or of any sister state and all such records, reports and data may be placed in evidence by the Board or by any other person or interested party where material, relevant and competent.

"Sec. 143-215.5. Judicial Review. Any person against whom any final order or decision has been made except where no appeal is allowed as provided by Section 143-215.2 (j) shall have a right of appeal to the Superior Court of Wake County or of the county where the order or decision is effective within 30 days after such order or decision has become final. Upon such appeal the Board shall send a certified transcript of all testimony and exhibits introduced before the Board, the order or decision, and the notice of appeal to the Superior Court. The matter on appeal shall be heard and determined de novo on the transcript certified to the court and any evidence or additional evidence as shall be competent under rules of evidence then applicable to trials in the Superior Court without a jury upon any question of fact; provided, the court shall allow any party to introduce evidence or additional evidence upon any question of fact. At the conclusion of the hearing, the Judge shall make findings of fact and enter his decision thereto. Appeals from the judgment and orders of the Superior Court shall lie to the Supreme Court. No bond shall be required of the Board to the Supreme Court.

"(a) Upon appeal filed by any party, the Board shall forthwith furnish each party to the proceeding with a copy of the certified transcript and exhibits filed with the Board. A reasonable charge shall be paid the Board for said copies.

"(b) Within 15 days after receipt of copy of certified transcript and exhibits, any party may file with the court exceptions to the accuracy or omissions of any evidence or exhibits included in or excluded from said transcript.

"Sec. 143-215.6. Violations and Penalties; Acts which Constitute Violations. (a) After the effective date applicable to any watershed or for the application of any air quality standards or emission control standards it shall be a violation of this Article for any person within such watershed; the State as a whole or one or more areas of the State:

"(1) To perform any of the acts set forth in Sections 143-215.1 (a) or 143-215.1 (b) without first obtaining a permit as required by Section 143-215.1, or to perform any such acts in disregard of the terms of any such permit.

"(2) To fail to comply with the terms of any special order issued by the Board to such person which has become final pursuant to Section 143-215.2 or any order issued pursuant to Section 143-215.3 (a) (12). No person, however, shall be charged with nor convicted of any violation under the provisions hereof by reason of any act of God, war, strike, riot, or other circumstances over which such person has no control.

"(b) Penalties for Violations. Any person who shall be adjudged to have violated this Article shall be guilty of a misdemeanor and shall be liable to a penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation. In addition, if any person is adjudged to have committed such violation willfully, the court may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty: Provided, however, that where a vote of the people is required to effectuate the intent and purpose of this Article by a municipality or other political subdivision of the State and the vote on the referendum is against the means or machinery for carrying the same into effect, then, and only then, this Section shall not apply to the elected officials or to any duly authorized appointed officials or employees, of said municipality or political subdivision.

"Sec. 143-215.7. Effect on Laws Applicable to Public Water Supplies and the Sanitary Disposal of Sewage. This Article shall not be construed as amending, repealing, or in any manner abridging or interfering with those Sections of the General Statutes of North Carolina relative to the control of public water supplies, as now administered by the State Board of Health; nor shall the provisions of this Article be construed as being applicable to or in any wise affecting the authority of the North Carolina State Board of Health to control the sanitary disposal of sewage as provided in Article 13 of Chapter 130 of the General Statutes of North Carolina, or as affecting the powers, duties and authority of city, county, county-city and district health departments usually referred to as local health departments or as affecting the charter powers, or other lawful authority of municipal corporations, to pass ordinances in regard to sewage disposal.

"Sec. 143-215.8. Injunctive Relief. Upon violation of any of the provisions of this Article, the Director or the Assistant Director of the Board may, either before or after the institution of proceedings for the collection of the penalty imposed by this Article for such violation, institute a civil action in the Superior Court in the name of the State upon the relation of the Director or the Assistant Director of the Board for injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Article for any violation of same.

"Sec. 143-215.9. Restrictions on Authority of the Board. Nothing in this Article shall be construed to:

"(1) Grant to the Board any jurisdiction or authority with respect to air contamination existing solely within commercial and industrial plants, works or shops;

"(2) Affect the relations between employers and employees with respect or arising out of conditions of air contamination or air pollution;

"(3) Supersede or limit the applicability of any law, rules and regulations or ordinances relating to industrial health or safety."

Sec. 2. Transfer of all Powers and Duties of Department of Water Resources, Including Personnel and Records of the Board. (a) On and after July 1, 1967, the Board of Water Resources shall cease to exist, and the terms of office of each of the members of the Board of Water Resources shall terminate and expire on July 1, 1967. G. S. 143-353 is hereby repealed but said repeal shall not become effective until July 1, 1967. On and after July 1, 1967, and as soon as reasonably practicable, all records, papers, documents, files, supplies, funds, credits, appropriations, claims, demands, liabilities, and all personnel, quarterly allotments, all executory contracts of the Department of Water Resources, the Board of Water Resources, the Division of Water Pollution Control and of the State Stream Sanitation Committee shall be transferred, conveyed, assigned, delivered and made over to the Board, and are hereby transferred, delivered, conveyed and assigned to the Board as of said date of July 1, 1967, and on and after said date the said Board shall be entitled to the exclusive possession, custody and control of all of said items and categories referred to above, and all the transfers ordered under this Section shall be made under the supervision of the Department of Administration, which shall be the final authority as to all differences and disputes arising incident to such transfers. Insofar as practicable the expenses necessary to carry out the provisions of this Article and of such transfers made under authority of same shall be provided out of appropriations made to the presently existing agencies whose functions are to be transferred to the Board, and in the event additional funds are necessary to carry out the provisions of this Article, the Governor, with the approval of the Council of State, is hereby authorized to appropriate such additional funds from the Contingency and Emergency Fund.

(b) No transfer of functions to the Board as provided for in this Section and in this Article shall affect any action, suit, proceeding, prosecution, contract, lease or other transaction, classification, standards, orders, permits or other approval documents issued or reports involving any function which was initiated, undertaken or entered into prior to or pending the time of the transfer, and the title or name of the department or board shall be substituted for the agency from which the function was transferred, and so far as practicable the procedure provided for in this Article shall be employed in completing or disposing of the matter. In all documents, papers, reports, proceedings, suits or actions at law wherever apt and appropriate the name of the Board shall be substituted for and in lieu of the name of any of the agencies transferred to the Board under the provisions of this Article.

(c) All of the powers, duties, authority, responsibilities and functions of the Department of Water Resources and of the Water Resources Board, as set forth in Article 38 of Chapter 143 of the General Statutes, are transferred to and vested in the Board as of July 1, 1967, and on and after said date all of said powers and duties of the Water Resources Board, as set forth in G. S. 143-354, G. S. 143-355, as well as any other powers and duties set forth in Article 38 of Chapter 143, are hereby adopted and made a part of this Article as if herein copied and set forth except G. S. 143-348, 143-349, 143-351, and 143-353, which are repealed under conditions set forth above.

(d) This Act shall be known and shall be cited as "The North Carolina Water and Air Resources Act."

Sec. 3. The following amendments are hereby made to Article 13, Chapter 130 of the General Statutes to bring it into conformity with this Act:

(a) G. S. 130-161 (Cumulative Supplement, 1959) is amended by substituting the words "Board of Water and Air Resources" for the words "State Stream Sanitation Committee" wherever same appear in this Section.

(b) G. S. 130-165 (Cumulative Supplement, 1959) is amended by substituting the words "Board of Water and Air Resources" for the words "State Stream Sanitation Committee" wherever same appear in this Section.

Sec. 4. Subsection 2 of G. S. 160-383 (Cumulative Supplement, 1957) is amended by substituting the words "Board of Water and Air Resources" for the words "State Stream Sanitation Committee" wherever same appear in this subsection.

Sec. 5. Article 25 of Chapter 130, General Statutes of North Carolina, cited as the "State Air Hygiene Program Act", which Act authorized and empowered the State Board of Health to create and administer a State Air Hygiene Service, is hereby repealed in its entirety and such service is hereby terminated.

Sec. 6. Subsection 13 of G. S. 105-147 is hereby rewritten to read as follows:

"(13) In lieu of any depreciation allowance pursuant to this Section, at the option of the taxpayer, an allowance with respect to the amortization of the cost of any air cleaning device, sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, or the emission of air contaminants into the outdoor atmosphere, based on a period of 60 months. The deduction provided herein shall apply to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The deduction provided for in this subsection shall be allowed by the Commissioner only upon condition that the person, firm or corporation, claiming such allowance shall furnish to the Commissioner a certificate from the Board of Water and Air Resources certifying that said Board has found as a fact that the waste treatment plant, air cleaning

device, or air or water pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said Board with respect to such plants or equipment, that such plant, device, or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The deduction herein provided for shall also be allowed as to plants or equipment constructed or installed before January 1, 1955, but only with respect to the undepreciated value of such plants or equipment."

Sec. 7. G. S. 105-294 is hereby amended by rewriting the last paragraph thereof to read as follows:

"It is hereby declared to be the policy of this State to use its system of real estate taxation in such manner as to encourage the conservation of natural resources and the abatement and prevention of air and water pollution, and all tax assessors are hereby instructed that in assessing real estate under the provisions of G. S. 105-279 they shall make no increase in the tax valuation of real estate as the result of the owner's enterprise in installing or constructing or installing air cleaning devices or waste disposal or water pollution abatement plants, including waste lagoons, or equipment, upon the condition that a certificate is furnished to the tax supervisor of the county, wherein such property is located, by the Board of Water and Air Resources, certifying that said Board has found as a fact that the waste treatment plant, air cleaning device, or air or water pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant, device, or equipment complies with the requirements of said Board with respect to such plants, devices, or equipment, that such plant, device, or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions; provided, this Section shall apply to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas."

Sec. 8. Subsection 11 of G. S. 105-296 is hereby amended by rewriting same to read as follows:

"Real property, or so much thereof, which is used exclusively for air cleaning or waste disposal or air or water pollution abatement facilities, including waste lagoons, designed to abate, reduce, or prevent pollution of air or water. This exemption is allowed only upon the condition that a certificate is furnished to the tax supervisor of the county, wherein such property is located, by the Board of Water and Air Resources, certifying

that said Board has found as a fact that the air cleaning device or the waste treatment plant, including waste lagoons, or pollution abatement equipment above described has been constructed or installed thereon and that such plant, device or equipment complies with the requirements of said Board with respect to such plants, devices or equipment, that such plant, device or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The exemption provided in this Section shall apply to the facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The exemption herein provided for shall be applicable only with respect to taxes levied in 1955 and subsequent years."

Sec. 9. Subsection 16 of G. S. 105-297 is hereby amended by rewriting same to read as follows:

"Air cleaning devices, sewage and waste treatment facilities, and air or water pollution abatement equipment designated to abate, reduce, or eliminate air or water pollution. This exemption shall be allowed only upon the condition that a certificate is furnished to the tax supervisor of the county, wherein such property is located, by the Board of Water and Air Resources, certifying that said Board has found as a fact that the air cleaning device or waste treatment plant or pollution abatement equipment purchased or constructed or installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said Board with respect to such devices, plants, or equipment, that such device, plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources, and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The exemption herein provided shall apply to facilities or equipment of private or public utilities built and installed primarily for the purpose of providing sewer service to residential and outlying areas. The exemption herein provided for shall be applicable only with respect to taxes levied in 1955 and subsequent years."

Sec. 10. Subsection (b) of G. S. 105-122 is hereby amended by rewriting the sentence immediately following the first sentence thereof to read as follows:

"There shall also be treated as a deductible liability reserves for the entire cost of any air cleaning device or sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the emission of air contaminants or the discharge of sewage and industrial wastes or other polluting materials or substances

into the outdoor atmosphere or streams, lakes, or rivers, upon condition that the corporation claiming such deductible liability shall furnish to the Commissioner a certificate from the Board of Water and Air Resources certifying that said Board has found as a fact that the air cleaning device, waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said Board with respect to such devices, plants or equipment, that such device, plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The cost of constructing facilities of any private or public utility built for the purpose of providing sewer service to residential and outlying areas shall be treated as deductible for the purposes of this Section; the deductible liability allowed by this Section shall apply only with respect to such pollution abatement plants or equipment constructed or installed on or after January 1, 1955."

Sec. 11. Subsection (d) of G. S. 105-122 is hereby amended by rewriting the last sentence at the end of the first paragraph thereof:

"In computing 'total actual investment in tangible personal property' there shall also be deducted reserves for the entire cost of any air cleaning device or sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of air or water pollution resulting from the emission of air contaminants or the discharge of sewage and industrial wastes or other polluting materials or substances into the outdoor atmosphere or into streams, lakes, or rivers, upon condition that the corporation claiming such deduction shall furnish to the Commissioner a certificate from the Board of Water and Air Resources certifying that said Board has found as a fact that the air cleaning device, waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such device, plant or equipment complies with the requirements of said Board with respect to such devices, plants or equipment, that such device, plant or equipment is being effectively operated in accordance with the terms and conditions set forth in the permit, certificate of approval, or other document of approval issued by the Board of Water and Air Resources and that the primary purpose thereof is to reduce air or water pollution resulting from the emission of air contaminants or the discharge of sewage and waste and not merely incidental to other purposes and functions. The cost of constructing facilities of any private or public utility built for the purpose of providing sewer service to residential and outlying areas shall be treated as deductible for the purposes of this Section; the deductible liability allowed by this Section shall apply only with respect to such pollution abatement plants or equipment constructed or installed on or after January 1, 1955."

Sec. 12. G. S. 143-350 (Replacement 1964) is hereby rewritten to read as follows:

"Sec. 143-350. Definitions. Definitions as used in this Article:

" 'Board' means the Board of Water and Air Resources created by G. S. 143-214.

" 'Department' means the Department of Water and Air Resources created by G. S. 143-212."

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 865 CHAPTER 893

AN ACT TO AUTHORIZE AN ELECTION OR REFERENDUM ON THE QUESTION OF REORGANIZING AND MERGING THE LINCOLN COUNTY SCHOOL ADMINISTRATIVE UNIT AND THE LINCOLNTON CITY ADMINISTRATIVE UNIT INTO ONE SCHOOL ADMINISTRATIVE UNIT UNDER ONE BOARD OF EDUCATION UPON THE CONDITIONS SET FORTH IN THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. Upon the completion of a thorough study and investigation made by the State Board of Education through its administrative officers as to the feasibility of operating all the public schools in Lincoln County, including the schools located in the Lincolnton City Administrative Unit, under one board of education, the Board of County Commissioners of Lincoln County is authorized and empowered to submit to the voters of Lincoln County in a referendum or election the necessary questions to determine the will of the voters as to whether said consolidation and merger shall take place. The Board of County Commissioners of Lincoln County is authorized to provide for an additional study or studies of the consolidation question. The Board of County Commissioners of Lincoln County shall be the sole and final judge of the study or studies and as to whether or not any such election or referendum shall be called, and if called, the date on which it shall be held; provided, however, if said report made by the State Board of Education recommends that such consolidation or merger should not be brought about and would not be feasible, then no election or referendum shall be called. If it shall be decided by the Board of County Commissioners for Lincoln County that said election or referendum shall be called, then said election or referendum shall be conducted in accordance with the provisions of G. S. 115-122 and related statutes involving elections, and the questions submitted shall be voted upon by the voters of Lincoln County at large. The ballot submitted to the voters shall contain substantially the following:

"FOR reorganizing and merging the Lincoln County School Administrative Unit, and the Lincolnton City School Administrative Unit into one school administrative unit under one board of education for all the public

schools in Lincoln County." "AGAINST reorganizing and merging the Lincoln County School Administrative Unit and the Lincolnton City School Administrative Unit into one school administrative unit under one board of education for all the public schools in Lincoln County."

Sec. 2. If, upon certification of the results of the election, a majority of those voting in the election or referendum shall favor the question submitted, then this Act shall become operative, and the two school administrative units named in Section 1 of this Act, together with their respective boards of education, shall be consolidated and merged as hereinafter set forth, and all the public schools of Lincoln County shall operate as a part of the Lincoln County School Administrative Unit and shall be under the jurisdiction and administration of the Lincoln County Board of Education, which shall consist of nine members, seven of whom shall be nominated from candidates of the political parties within the township districts set out below, but elected at large: One member from Northbrook Township; one member from Howard's Creek Township; three members from Lincolnton Township; one member from Ironton Township; one member from Catawba Springs Township, and two members nominated and elected at large from the candidates of the political parties of Lincoln County. The candidates of each political party shall file a notice of candidacy with the Lincoln County Board of Elections at least 30 days prior to the date of holding said primary election, and the notice shall state the name, age and residence of said candidate and from which particular township district he desires to stand for nomination which must be the township in which he is a resident; a similar notice of candidacy shall be filed with the Lincoln County Board of Elections by the persons who desire to stand for nomination for said Board of Education except it shall be stated that they desire to be candidates at large, and the notice of candidacy of these persons shall be filed at least 30 days prior to the date of said primary election. The candidates of each political party receiving the highest number of votes within each such district shall be declared to be the nominees of their respective parties and in the general election they shall be voted on at large by the electors of Lincoln County. The nominee receiving the highest number of votes within each respective township district shall be declared to be elected to membership on said Board of Education from said township district irrespective of the number of votes that may be received by any of the nominees from any of the other township districts, thus insuring that each township district shall have an elected member on said Board; the two nominees at large receiving the highest number of votes in descending order shall be declared to be elected to membership on said Board of Education; provided, however, that the terms of office of each of the members of the Lincoln County Board of Education and the terms of office of each of the members of the Lincolnton City Board of Education be, and they are hereby, extended to the first Monday in December, 1972.

Sec. 3. Upon approval by the voters of Lincoln County of the merger or consolidation herein provided and until a new board of education is nominated and elected as herein provided, all of the public schools of Lincoln County, as well as the public schools located in the Lincolnton City Administrative Unit, shall be administered and operated by a joint

board of 10 members to be composed of the five members of the Lincolnton City Board of Education and of the five members of the Lincoln County Board of Education. The joint board shall be designated and known as: "Joint Lincoln County Board of Education", and the said "Joint Board" shall assume the administration of all of said public schools on the day following the day of the certification of the results of said election or referendum. The Joint Board shall have full power and authority to control and administer all the public schools in Lincoln County and shall exercise all powers, authority and duties as set forth in Chapter 115 of the General Statutes, as amended, including the right to hire and enter into contracts with a superintendent of schools, an associate superintendent or assistant superintendent as the Joint Board shall consider proper. The Joint Board shall have the power and authority to hire all necessary teachers and other employees and to prepare and submit budgets and do whatever is necessary to operate the public school system of Lincoln County. Title to all school property, both real and personal, all books, papers, all unexpended funds and balances, and all contracts and liabilities relating to all said public schools in said County, shall be vested in the Joint Board, as well as full and complete control of all public school facilities of any nature whatsoever. The Joint Board, upon taking authority, shall elect a chairman, a secretary and other necessary officers and six members shall constitute a quorum of said Joint Board. The members of the Joint Board shall receive the same compensation as provided in Section 4 hereof. All vacancies occurring in said Joint Board by reason of death, resignation, change of residence, removal or otherwise, shall be filled by the remaining members of said Board but the member appointed to fill said vacancy shall come from the same category and shall be of the same party affiliation as the member causing said vacancy.

Sec. 4. At the next 1972 primary and general election there shall be nominated and elected nine members of the Board of Education of Lincoln County in the manner provided in Section 2 of this Act. The nomination of said members in the primary and the election of said members in the general election shall be governed by the primary and election laws as set forth in Chapter 163 of the General Statutes, as amended. The four township district members receiving the highest number of votes in descending order, and, in addition, the one member receiving the highest number of votes of those elected at large, thus making five members, shall serve for terms of four years, and the three township district members receiving the next highest number of votes, in descending order, plus the member elected at large receiving the next highest number of votes in descending order of those elected at large, thus making four members, shall serve for terms of two years and until their successors are elected and qualified. Thereafter all terms of office of the Board of Education of Lincoln County shall be for a term of four years. On the first Monday in December following the election of the Lincoln County Board of Education all power and authority of the Joint Board shall cease and all the terms of office of the Joint Board shall terminate. The members of the Lincoln County Board of Education, elected as herein provided, shall pay a filing fee of ten dollars ($10.00) and shall receive twenty-five dollars ($25.00) for each regular monthly meeting and fifteen dollars ($15.00)

for each special meeting. The said Board of Education, herein provided and elected, shall select its own chairman, vice chairman and other necessary officers of the Board. All vacancies occurring in said Lincoln County Board of Education by reason of death, resignation, change of residence, removal or otherwise, shall be filled by the remaining members of said Board but the member appointed to fill said vacancy shall come from the township district, if a township district member, and shall be of the same party affiliation as the member causing said vacancy.

Sec. 5. On the first Monday in December, 1972, when the Lincoln County Board of Education assumes office, the said Board of Education shall control, operate and administer all the public schools in Lincoln County, including those public schools formerly located and situated in the Lincolnton City Administrative Unit. Title to all school property, both real and personal, all books, papers, all unexpended funds and balances, and all contracts and liabilities relating to all said public schools in said County, shall be vested in the Lincoln County Board of Education, as well as full and complete control of all public school facilities of any nature whatsoever.

Sec. 6. The Board of County Commissioners of Lincoln County is hereby authorized and empowered, in its discretion, to cause to be submitted at the same time of the election or referendum on the question of the consolidation and merger of all the school units in Lincoln County an additional or further question or questions which may directly or indirectly pertain to the main issue of consolidation including tax levy and bond issuance provided that such tax levy and/or bond issuance shall not exceed the limitations prescribed by law.

Sec. 7. If any provision of this Act shall be declared unconstitutional or invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision, and to this end the provisions of this Act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 931 CHAPTER 894

AN ACT REWRITING ARTICLE 35 OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO THE OPERATION OF PUBLIC LIVESTOCK MARKETS AND CREATING THE PUBLIC LIVESTOCK MARKET ADVISORY BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-406 is rewritten in its entirety as follows:

"§ 106-406. Permits From Commissioner of Agriculture for Operation of Public Livestock Markets; Application therefor; Hearing on Application. Any person, firm or corporation desiring to operate a public livestock market within the State of North Carolina shall be required to file an ap-

plication with the Commissioner or Agriculture for a permit authorizing the operation of such market; provided that, those markets operating under a valid permit and in accordance with G. S. 106-406 through 106-418 at the time this Article becomes effective shall be issued a license upon payment of the annual license fee and upon satisfying the requirement for bonding as specified in G. S. 106-407. An application for a permit shall include the following information:

(a) The name and address of the applicant, name of market and a listing of the names and addresses of all persons having any financial interest in the proposed livestock market and the amount and nature of such interest, and such other information as is required to complete an application form supplied by the Commissioner; and

(b) The plans and specifications for the facilities proposed to be built, or for existing structures.

"The application for a permit shall be accompanied by a permit fee of two hundred fifty dollars ($250.00), two hundred dollars ($200.00) of which shall be returned to the applicant if the application is denied, plus one hundred dollars ($100.00) annual permit fee for the first year of operation of the market, all of which shall be returned to the applicant if the application is denied.

"Upon the filing of said application, the Commissioner shall determine whether all necessary information has been furnished. If all information required has not been furnished, the Commissioner shall notify the applicant by mail of the additional information needed; it shall be furnished the Commissioner by the applicant within 10 days of such notification. Upon receipt of all required information, the Commissioner shall fix the date of a hearing, on said application, to be held in Raleigh. Notice of the time and date of the hearing shall be published in a newspaper having general circulation in the county in which the livestock market is proposed to be located; said notice shall appear at least 10 days prior to such hearing. The applicant shall be notified by mail by the Commissioner at least 20 days prior to the hearing of the time and place of said hearing. The Commissioner shall also notify by mail the members of the Public Livestock Market Advisory Board of the time and place of said hearing, at least 10 days before the date which the hearing will be held.

"A public hearing shall be conducted by the Commissioner on said application. If, after the hearing, at which any person may appear in support or opposition thereto, the Commissioner finds that the public livestock market for which a permit or license is sought fulfills the requirements of all applicable laws, the Commissioner shall issue a nontransferable permit to the applicant. If the Commissioner denies the application, the applicant may appeal within 10 days of notice of said denial to the Board of Agriculture which can uphold or reverse the Commissioner. If the Board of Agriculture upholds the Commissioner, the applicant may appeal to the Superior Court of Wake County under the procedures of Article 33, Chapter 143 of the General Statutes. Unless revoked by the Board of Agriculture pursuant to any applicable law or regulation, permits will be renewed each July 1 on payment of the annual renewal fee."

Sec. 2. G. S. 106-407 is rewritten in its entirety to read as follows:

"§ 106-407. Bonds Required of Operators; Exemption of Certain Market Operations. The Commissioner of Agriculture shall require the owner of each public livestock market issued a permit under the provisions of G. S. 106-406 to furnish a bond acceptable to the Commissioner of not less than five thousand dollars ($5,000.00) nor more than fifty thousand dollars ($50,000.00), in the discretion of the Commissioner, to secure the performance of all obligations incident to the operation of the public livestock market operation including prompt payment to the vendors of all livestock sold at said market; provided, that, at the discretion of the Commissioner of Agriculture, a bond shall not be required of a livestock market bonded under the Federal Packers and Stockyards Act.

"The term 'Public Livestock Market' as used in this Act shall not be interpreted to mean any of the following:

(a) A market where horses and mules exclusively are sold;

(b) A market that sells only finished livestock to be used for immediate slaughter;

(c) A dispersal sale of livestock by a farmer, dairyman, livestock breeder, or feeder when all animals offered for sale have been owned by him at least 30 days; provided that, no more than one dispersal sale shall be held by any person, firm or corporation within any period of six months.

(d) Purebread livestock association sales and those sales where Future Farmers of America, 4-H Clubs and similar groups, State institutions, or private fairs conduct sales of livestock."

Sec. 3. Article 35 of Chapter 106 of the General Statutes is amended by adding a new Section thereto, to be designated as G. S. 106-407.1 and to read as follows:

"§ 106-407.1. North Carolina Public Livestock Market Advisory Board Created; Appointment; Membership; Duties. There is hereby created the North Carolina Public Livestock Market Advisory Board composed of eight persons, all of whom shall be residents of North Carolina, who shall be appointed and the Chairman designated by the Commissioner of Agriculture on or before August 1, 1967. Two members of said Board shall be livestock producers, two shall be licensed livestock market operators, one shall be a meat packer, one shall be the State Veterinarian, one shall be a duly licensed and practicing veterinarian and one shall be an employee of the Markets Division of the North Carolina Department of Agriculture. On the initial Board, two members shall be appointed for terms of one year, two members for terms of two years, two members for terms of three years, and two members for terms of four years. Thereafter, all members shall serve four-year terms. Any vacancy on the Board caused by death, resignation, or otherwise, shall be filled by the Commissioner of Agriculture for the expiration of the term. The terms of all members of the initial and subsequent Boards shall expire on June 30 of the year in which their terms expire.

"It shall be the duty of the members of the Board to attend all hearings on applications for licenses to operate public livestock markets. It shall also be the duty of the members of the Board to meet at least once each

year, or more often if directed by the Commissioner, in Raleigh or such other place in North Carolina as directed by the Commissioner for the purpose of (1) discussing problems of the livestock market industry, (2) proposing changes in the rules and regulations of the Department of Agriculture relative to public livestock markets, and (3) making such other recommendations to the Commissioner and the Board of Agriculture as it deems in the best interest of the livestock industry of North Carolina.

"Members of the Board, except members who are employees of the State, shall receive as compensation, subsistence and travel allowances, such sums as by law are provided for other commissions and boards.

"The two hundred fifty dollars ($250.00) permit fee required by this Act and the one hundred dollars ($100.00) annual permit fee required by this Act shall be used to defray the expenses incurred by the members of the Board in the performance of their duties and enforcement of this Article. No funds of the State of North Carolina shall be used to defray any expenses of the Board. All permit fees and annual renewal fees payable under the provisions of this Act shall be paid into the office of the Auditor of the Department of Agriculture and shall be kept by said Auditor in a separate account and disbursed by him according to the provisions of this Act."

Sec. 4. Article 35 of Chapter 106 of the General Statutes is amended by adding a new Section thereto, to be designated as G. S. 106-407.2 and to read as follows:

"§ 106-407.2. Revocation of Permit by Board of Agriculture; Restraining Order for Violations. The permit authorizing the operation of a public livestock market may be revoked by the North Carolina Board of Agriculture for violation of the provisions of this Article, or the rules and regulations promulgated thereunder, after the owner or operator of the public livestock market shall have been given 10 days' written notice of the alleged violation and opportunity to be heard relative thereto by the North Carolina Board of Agriculture. Such revocation may be appealed to the Superior Court under the provisions of Article 33 of Chapter 143 of the General Statutes.

"If any person, firm or corporation shall operate a public livestock market in violation of the provisions of this Article, or the rules and regulations promulgated by the North Carolina Board of Agriculture, or shall fail to comply with the provisions of this Article, or rules and regulations promulgated thereunder, a temporary or permanent restraining order may be issued by a Judge of the Superior Court upon application by the Commissioner of Agriculture, or his authorized representative, and the Judge of the Superior Court shall have the same power and authority as in any other injunction proceeding, and the defendant shall have the same rights including the right of appeal, as in any other injunction proceeding heard before the Superior Court."

Sec. 5. G. S. 106-408 is rewritten in its entirety as follows:

"§ 106-408. Marketing Facilities Prescribed; Records of Purchases and Sales; Time of Sales; Notice. All public livestock markets operating under this Article shall have proper facilities for handling livestock and such other equipment as specified by regulation of the North Carolina Board

of Agriculture. Scales approved by the North Carolina Division of Weights and Measures shall be provided at public livestock markets where animals are bought, sold or exchanged by weight. The premises, including yards, pens, alleys, and chutes shall be cleaned and disinfected in accordance with regulations promulgated by the Board of Agriculture pursuant to the authority contained in G. S. 106-416. The market shall keep a complete legible permanent record, including the use of numbered invoices, showing the name and address of the person or firm from whom all animals are received and the name and address of the person or firm to whom sold. Symbols in lieu of names shall not be used. The weight, if sold by weight, and the price paid and the price received shall be recorded on the invoice. Such records as specified in this Section shall be available for inspection to the Commissioner of Agriculture or his authorized representative during regular business hours.

"The sales of all livestock at livestock auction markets shall start no later than 2:00 p.m. The sale of livestock shall be continuous until all is sold.

"Each public livestock market operator operating under this Article shall post notice of the day(s) of sale and the starting time in a conspicuous place on the market premises. In the event of subsequent changes in day of sale or starting time, the operator shall post notice on the premises and notify the State Veterinarian in writing at least two weeks in advance of the date of change."

Sec. 6. G. S. 106-409 is rewritten in its entirety as follows:

"§ 106-409. Removal of Cattle From Market for Slaughter and Non-Slaughter Purposes; Identification; Permit Needed. No cattle except those for immediate slaughter, shall be removed from any public livestock market except in accordance with this Act and regulations adopted by the North Carolina Board of Agriculture. All cattle removed from any public livestock market for immediate slaughter, shall be identified in a manner approved by the Commissioner of Agriculture and the person removing same shall before removal sign a form in duplicate showing the number of cattle, their description, and where same are to be slaughtered or resold for slaughter. Cattle sold for slaughter shall be disposed of in one of the following ways: (1) Moved directly to a recognized slaughtering establishment for immediate slaughter. (2) Sold to a dealer, bonded under the Packers and Stockyards Act, who handles cattle for immediate slaughter. (3) Offered for resale for slaughter through a livestock auction market holding a valid permit issued under this Act.

"A 'Buying Station' of a slaughterhouse or similar business not operating under a public livestock market permit shall not allow the removal of animals for any purpose other than that of immediate slaughter unless a written permit has been secured from the State Veterinarian or his authorized representative. This provision shall not apply to buying stations operated by feed lot operators buying animals for movement to their own feed lots.

"Cattle sold for immediate slaughter shall be used for no other purpose unless prior written permission has been secured from the State Veterinarian or his authorized representative. No livestock market operator, or

agent or employee thereof, shall allow the removal of any cattle from a market in violation of this Section."

Sec. 7. G. S. 106-410 is rewritten in its entirety as follows:

"§ 106-410. Removal of Swine From Market for Slaughter and Non-Slaughter Purposes; Identification; Permit Needed; Resale for Feeding or Breeding; Out-of-State Shipment. No swine, except those for immediate slaughter, shall be removed from any public livestock market except in accordance with regulations adopted by the North Carolina Board of Agriculture. All swine removed from any public livestock market for immediate slaughter shall be identified in a manner prescribed by regulation adopted by the North Carolina Board of Agriculture and the person removing same shall sign a form in duplicate showing the number of hogs, their description and where they are to be slaughtered or resold for slaughter. Slaughter hogs may be disposed of in one of the following ways: (1) Moved directly to a recognized slaughter establishment for immediate slaughter. (2) Sold to a dealer, bonded under the Packers and Stockyards Act, who handles hogs for immediate slaughter. (3) Offered for resale for slaughter through a livestock auction market holding a valid permit issued under this Act.

"Swine sold for immediate slaughter shall be used for no other purpose unless prior written permission has been secured from the State Veterinarian or his authorized representative. No market operator shall allow the removal of any swine from a market in violation of this Section.

"Swine for breeding or feeding purposes shall not be resold in a livestock market for other than immediate slaughter within 14 days of prior sale at a livestock market unless they are identified as having been previously sold swine at the time of resale. Such identification shall contain the date and place of the prior sale and shall be furnished in writing to the market operator by the seller of said swine.

"Provided, however, that the Commissioner of Agriculture may permit swine to be shipped out of the State of North Carolina, without vaccination and under the same conditions as if said swine were being delivered for immediate slaughter, for immediate delivery to holding or feeding lots in any other state when he determines that said holding or feeding lots are being operated in compliance with the laws of said state and the rules and regulations promulgated thereunder."

Sec. 8. G. S. 106-411 is rewritten in its entirety as follows:

"§ 106-411. Regulation of Use of Livestock Removed From Market; Swine Shipped Out of State. Any person or persons who shall remove, or whose agent or employee at the direction of the employer, shall remove from a public livestock market any cattle, swine, or other livestock for immedliate slaughter shall use them for immediate slaughter only or resale for immediate slaughter only in compliance with this Article and the applicable regulations of the Department of Agriculture. It shall be a misdemeanor for the owner of any cattle, swine or other livestock purchased for immediate slaughter, to order, direct or procure his agent or employee to transport said cattle, swine, or other livestock to any place other than a recognized slaughter plant or as provided in § 106-409 and

§ 106-410; and the agent or employee who transports said animal or animals shall likewise be guilty of a misdemeanor.

"Provided that, it shall not be a violation of law to ship swine out of this State to holding or feeding lots as provided for in G. S. 106-410."

Sec. 9. G. S. 106-412 is rewritten in its entirety as follows:

"§ 106-412. Admission of Animals to Markets; Quarantine of Diseased Animals; Sale Restricted; Regulation of Trucks, Etc. No animal known to be affected with or having visible symptoms of a contagious or infectious disease shall be received or admitted into any public livestock market except upon special permit issued by the Commissioner of Agriculture or his authorized representative. All animals affected with, or exposed to, any contagious or infectious disease of animals or any animal that reacts to an official test indicating the presence of such a disease, shall be quarantined separate and apart from healthy animals and shall not be sold, traded, or otherwise disposed of except upon written permission of the Commissioner of Agriculture or his authorized representative. All animals sold for slaughter under this provision must be moved directly to a recognized slaughter establishment with State or Federal meat inspection unless written permission to do otherwise is secured from the State Veterinarian or his authorized representative. The owner of the animals shall be responsible for the cost of maintaining the quarantine, the necessary treatment, and the feed and care of the animals while under quarantine and said cost shall constitute a lien against all of said animals. All trucks, trailers, and other conveyances used in transporting livestock shall be cleaned and disinfected in accordance with the regulations issued by authority of this Article."

Sec. 10. G. S. 106-413 is rewritten in its entirety as follows:

"§ 106-413. Sale, Etc. of Certain Diseased Animals Restricted; Application of Article; Sales by Farmers. No person or persons shall sell or offer for sale, trade or otherwise dispose of any animal or animals that are affected with a contagious or infectious disease, or that the owner or person in charge or a livestock inspector or an approved veterinarian has reason to believe are so affected or exposed; provided, however, that upon written permission of the Commissioner of Agriculture or his authorized representative it shall be lawful to sell, trade, or otherwise dispose of such animals for immediate slaughter at a plant with State or Federal meat inspection. The provisions of this Article, including those regulations adopted by the North Carolina Board of Agriculture, shall apply to all animals sold or offered for sale on any public highway, right of way, street, or within one-half mile of any public livestock market, or other public place; provided, that the one-half mile provision shall not apply to animals raised and owned by a bona fide farmer who is a resident of the State of North Carolina and sold or offered for sale by him."

Sec. 11. G. S. 106-414 is rewritten in its entirety as follows:

"§ 106-414. Transportation, Sale, Etc., of Diseased Livestock, Burden of Proving Health; Movement to Laboratory; Removal of Identification. No cattle, swine, or other livestock with visible symptoms of a contagious or infectious disease shall be transported or otherwise moved on any public highway or street in this State except upon written permission of the

Commissioner of Agriculture or his authorized representative. The burden of proof to establish the health of any animal transported on the public highways of this State, or sold, traded, or otherwise disposed of in any public place shall be upon the vendor. Any person who shall sell, trade, or otherwise dispose of any animal affected with, or exposed to, a contagious or infectious disease, or one he has or should have reason to believe is so affected, or exposed, shall be civilly liable for all damages resulting from such sale or trade; provided that, nothing in this Section shall prevent an individual who owns or has custody of sick animals from transporting sick or dead animals to a disease diagnostic laboratory operated or approved by the North Carolina Department of Agriculture if reasonable and proper precautions to prevent the exposure of other animals is taken by the owner or transporter thereof.

"It shall be a misdemeanor to remove before slaughter any ear tag, back tag, or other mark of identification approved by the Commissioner of Agriculture for identifying animals for disease control purposes unless prior written authorization has been obtained from the State Veterinarian or his authorized representative."

Sec. 12. G. S. 106-415 is rewritten in its entirety as follows:

"§ 106-415. Cost of Tests, Serums, Etc. The cost of all tests, serums, vaccines and other medical supplies necessary for the enforcement of this Article and the protection of livestock against contagious and infectious diseases shall be paid for by the owner of said livestock and the cost shall constitute a lien against all said animals; provided that, the Commissioner of Agriculture, by and with the consent of the Board of Agriculture, is hereby authorized to determine reasonable charges and costs for such tests, serums, vaccines, and other medical supplies; provided further, that an animal which shows a reaction to a test for brucellosis shall be automatically 'no-saled' and resold for immediate slaughter, and the cost of the test paid by the original seller."

Sec. 13. G. S. 106-416 is rewritten in its entirety as follows:

"§ 106-416. Rules and Regulations. The Commissioner of Agriculture, by and with the consent of the State Board of Agriculture, shall have full power to promulgate and enforce such rules and regulations that may be necessary to carry out the provisions of this Article."

Sec. 14. G. S. 106-417 is rewritten in its entirety as follows:

"§ 106-417. Violation Made Misdemeanor; Responsibility for Health, Etc., of Animals. Any person, firm, or corporation who shall knowingly violate any provisions set forth in this Article or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall wilfully fail to comply with any provisions of this Article, shall be guilty of a misdemeanor, and shall be fined or imprisoned or both, in the discretion of the court. A market operating under this Article shall not be responsible for the health or death of an animal sold through such market if the provisions of this Article have been complied with."

Sec. 15. G. S. 106-418 is rewritten in its entirety as follows:

"§ 106-418. Exemption From Health Provisions. The health provisions of this Article shall not apply to 'no-sale' cattle offered for sale at

a public livestock market by a bona fide farmer who has owned them at least 60 days."

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 948 CHAPTER 895

AN ACT TO PROVIDE AN ADDITIONAL PROCEDURE BY WHICH THE CITY OF WINSTON-SALEM MAY ACQUIRE PROPERTY FOR PUBLIC PURPOSES BY EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

Section 1. In addition to any other procedure available to the City of Winston-Salem under its Charter or the general law, the City of Winston-Salem shall have the right to acquire any land, easement or interest in land for any public purpose for which the City of Winston-Salem is authorized to acquire same by condemnation, both within and outside its corporate limits, by proceeding in accordance with the provisions of Article 9 entitled "Condemnations" of Chapter 136 of the General Statutes of North Carolina, as same is now written and as hereafter amended. In applying said Article 9 to the City of Winston-Salem, the words "City of Winston-Salem" shall be substituted for all references in said Article to the State Highway Commission; the words "Mayor or City Manager" shall be substituted for all references to the "Chairman of the State Highway Commission", "Director of the State Highway Commission", "Director of Highways, State Highway Commission, in Raleigh" or other similar reference; "Winston-Salem" shall be substituted for "Raleigh"; and "public purposes" or an appropriate reference to the particular project of the City for which the land, easement or an interest therein is being acquired shall be substituted for "highway purposes", "highway project", "highway" or other similar reference.

Sec. 2. This Act shall apply only to the City of Winston-Salem, to provide to said City an additional procedure by which it may acquire property for public purposes by eminent domain. This Act shall not be construed as amending Article 9 of Chapter 136 of the General Statutes except with respect to proceedings instituted by the City of Winston-Salem under the authority of this Act.

Sec. 3. This Act shall take effect from and after ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1016 CHAPTER 896

AN ACT RELATING TO EVIDENCE OF THE STATEMENTS OF CERTAIN DECEASED PERSONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-51 is hereby amended by adding a new sentence thereto to read as follows: "Nothing in this Section shall preclude testi-

mony as to the identity of the deceased operator of a motor vehicle in any case brought against the deceased's estate arising out of the operation of a motor vehicle in which the deceased is alleged to have been the operator or one of the operators involved."

Sec. 2. This Act shall not apply to pending litigation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1236 CHAPTER 897

AN ACT TO AMEND CHAPTER 130, SESSION LAWS OF 1967, RELATING TO THE APPOINTMENT OF MEMBERS OF THE BOARD OF EDUCATION IN CERTAIN COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 130, Session Laws of 1967, is hereby amended by adding at the end of the paragraph entitled "Carteret", the following sentence: "Dick Parker is hereby appointed to fill the unexpired term of Harvey Hamilton, Jr.".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1246 CHAPTER 898

AN ACT TO AMEND G. S. 108-38 BY DELETING THE PROVISION FOR A DETERMINATION, BY THE COUNTY COMMISSIONERS AND COUNTY BOARDS OF WELFARE, OF THE NUMBER AND SALARY OF EMPLOYEES OF COUNTY BOARDS OF WELFARE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 108-38, as it appears in the 1966 Replacement Volume 3A of the General Statutes, is hereby amended by deleting the last paragraph thereof and inserting in lieu thereof the following: "The county board of commissioners shall, consistent with the provisions of the Federal Social Security Act, the State Personnel Act, and the County Fiscal Control Act, determine the number and salary of county welfare employees, having been advised by the county director of welfare and the State Board of Public Welfare."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1255 **CHAPTER 899**

AN ACT TO FIX THE FEES OF JURORS FOR ALL COURTS IN VANCE COUNTY AT SEVEN DOLLARS PER DAY.

The General Assembly of North Carolina do enact:

Section 1. The fees for jurors in Vance County are hereby fixed at seven dollars ($7.00) per juror per day.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1264 **CHAPTER 900**

AN ACT TO AMEND SECTIONS 105-306(26); 105-308; 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARDS OF COMMISSIONERS OF ALEXANDER, BURKE AND CALDWELL COUNTIES TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN THEIR RESPECTIVE COUNTIES, AND TO AUTHORIZE THE DIVISION OR COMBINING OF TOWNSHIPS FOR TAX LISTING PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The Boards of County Commissioners for Alexander, Burke and Caldwell Counties are hereby authorized and empowered to prescribe regulations as to the type and form of oath, affirmation or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in their respective counties, and to prescribe regulations relating to the listing of property for taxation by agents and tax lists submitted by mail.

Sec. 2. Where property and poll have been listed by the taxpayer or his agent by mail, the affixing of the signature to the oath or affirmation contained on the Property Listing Statement shall constitute and shall be equivalent to taking the oath or affirmation prescribed in G. S. 105-308 or G. S. 105-310, and the taxpayer so signing shall, in case of a false or fraudulent statement, be subject to the same penalties as if he had taken the oath prescribed by G. S. 105-308 and G. S. 105-310.

Sec. 3. Authority is hereby granted to the Boards of County Commissioners of Alexander, Burke and Caldwell Counties to divide or combine townships within their respective counties for tax listing purposes. The tax supervisor of either of said counties, with the approval of the Board of County Commissioners for his county, may appoint one or more list takers for each such unit within his county so combined or divided.

Sec. 4. The provisions of G. S. 105-306(26), G. S. 105-308; G. S. 105-309 and G. S. 105-310 shall apply to Alexander, Burke and Caldwell Counties, except insofar as they are not consistent with regulations relating to the oath of the taxpayer, the listing of taxes by agents, and listing of taxes by mail adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 5. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Alexander, Burke and Caldwell Counties. If the Board of Commissioners of either of said counties has adopted regulations relating to any matter covered by this Act, the listing in the affected county or counties must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 6. This Act shall apply only to the Counties of Alexander, Burke and Caldwell.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1266 CHAPTER 901

AN ACT TO AMEND CHAPTER 510 OF THE 1965 SESSION LAWS RELATING TO THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 510 of the 1965 Session Laws is amended as follows:

(a) By striking from line 2 of Section 2 thereof the words and figures "fifty-five hundred dollars ($5500.00)" and substituting in lieu thereof the words and figures "sixty-five hundred dollars ($6500.00)".

(b) By striking from line 2 of Section 3 thereof the words and figures "fifty-five hundred dollars ($5500.00)" and substituting in lieu thereof the words and figures "sixty-five hundred dollars ($6500.00)".

(c) By striking from line 2 of Section 4 thereof the words and figures "twenty-seven hundred dollars ($2700.00)" and substituting in lieu thereof the words and figures "thirty-three hundred dollars ($3300.00)".

(d) By striking from line 2 of Section 5 thereof the words and figures "fifty-five hundred dollars ($5500.00)" and substituting in lieu thereof the words and figures "fifty-eight hundred dollars ($5800.00)".

(e) By striking from lines 2 and 3 of Section 6 thereof the words and figures "three hundred twenty dollars ($320.00)" and substituting in lieu thereof the words and figures "three hundred forty-five dollars ($345.00)".

(f) By striking from line 7 of Section 6 thereof the words and figures "two hundred eighty-five dollars ($285.00)" and substituting in lieu thereof the words and figures "three hundred forty-five dollars ($345.00)".

(g) By striking from lines 10 and 11 of Section 6 thereof the words and figures "seventy-five dollars ($75.00)" and substituting in lieu thereof the words and figures "one hundred dollars ($100.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1290 **CHAPTER 902**

AN ACT RELATING TO THE USE OF NATIONAL FOREST FUNDS RECEIVED BY MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 223 of the Session Laws of 1947 is hereby amended by striking out the words "and Macon County" in lines 1 and 2, line 5, and the last line thereof.

Sec. 2. The funds received by Macon County by virtue of the National Forest Law of the Federal Government as referred to in said Chapter 223 of the Session Laws of 1947 may be expended by the Board of County Commissioners of Macon County, in its discretion, for any authorized county public purpose, including aid or assistance in supporting hospitals.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1298 **CHAPTER 903**

AN ACT TO AMEND CHAPTER 1073, SESSION LAWS OF 1959, SO AS TO AUTHORIZE THE SHERIFF OF HERTFORD COUNTY TO ISSUE PERMITS FOR THE SALE OF CERTAIN WEAPONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1073, Session Laws of 1959, is hereby amended by deleting the word "Hertford" in line 3 of Section 4 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

H. B. 1320 **CHAPTER 904**

AN ACT TO AMEND SECTIONS 105-306(26), 105-308, 105-309 AND 105-310 OF THE GENERAL STATUTES OF NORTH CAROLINA IN ORDER TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CARTERET COUNTY TO PRESCRIBE REGULATIONS RELATING TO THE LISTING OF PROPERTY FOR TAXATION IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners for the County of Carteret is hereby authorized and empowered to prescribe regulations of the type and form of oath, or declaration, and the manner of administering the same to persons, firms and corporations listing property for taxation in Carteret County, and to prescribe regulations relating to the listing of property for taxation by agents, and tax lists submitted by mail.

Sec. 2. The provisions of G. S. 105-306(26), G. S. 105-308, G. S. 105-309 and G. S. 105-310 shall be applicable to Carteret County except insofar as they are inconsistent with regulations of the Board of County Commissioners of Carteret County relating to the oath of the taxpayer, listing of taxes by agents, and listing of taxes by mail, adopted pursuant to the authority contained in Section 1 of this Act.

Sec. 3. The provisions of G. S. 105-307 making it a misdemeanor for one to fail to list properly his property for ad valorem tax purposes shall be applicable to Carteret County. If the Board of County Commissioners of Carteret County has adopted regulations relating to any matter covered by this Act, the listing in Carteret must be in accordance with the General Statutes as amended by such regulations, and the provisions of G. S. 105-307 shall apply to such regulations as well as to the provisions of the General Statutes not inconsistent with the said regulations of the Board of County Commissioners.

Sec. 4. This Act shall apply only to Carteret County.

Sec. 5. All laws and clauses of laws inconsistent herewith are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1967.

S. B. 351 CHAPTER 905

AN ACT TO AMEND G. S. 1-42.1 RELATING TO CERTAIN MINERAL CLAIMS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-42.1 is hereby amended by adding a new subsection at the end thereof to read as follows:

"(d) All oil, gas or mineral interests in lands severed or separated from the surface fee simple ownership must be listed for ad valorem taxes and notice of such interest must be filed in writing in the manner provided by G. S. 1-42.1 (b) and recorded in the local registry in the book provided by G. S. 1-42 within two years from September 1, 1967, to be effective against the surface fee simple owner or creditors, purchasers, heirs or assigns of such owner. Subsurface oil, gas and mineral interests shall be assessed for ad valorem taxes as real property and such taxes shall be collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes of North Carolina. The Board of County Commissioners shall publish a notice of this subsection in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to September 1, 1967.

Sec. 2. The provisions of this Act shall apply to the following counties: Anson, Buncombe, Durham, Franklin, Guilford, Hoke, Jackson, Montgomery, Person, Richmond, Swain, Transylvania, Union, Wake and Warren.

Sec. 3. All laws and clauses of laws in conflict with this subsection are hereby repealed.

Sec. 4. This subsection shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 353 CHAPTER 906

AN ACT TO PROVIDE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF GASTON COUNTY, FOR THE REORGANIZATION AND CONSOLIDATION OF THE GASTONIA CITY SCHOOL ADMINISTRATIVE UNIT, THE CHERRYVILLE CITY SCHOOL ADMINISTRATIVE UNIT AND THE GASTON COUNTY SCHOOL ADMINISTRATIVE UNIT, FOR THE ISSUANCE OF NOT EXCEEDING $20,000,000 SCHOOL BUILDING BONDS OF GASTON COUNTY AND FOR THE LEVYING OF A COUNTY-WIDE SUPPLEMENTAL SCHOOL TAX NOT TO EXCEED FIFTY CENTS ($.50) PER ONE HUNDRED DOLLARS ($100) ASSESSED VALUATION.

The General Assembly of North Carolina do enact:

Section 1. As used in this Act certain terms are defined as follows:

(a) The term "Gastonia City Board" shall mean the Gastonia City Board of Education and the term "Cherryville City Board" shall mean the Cherryville City Board of Education.

(b) The term "existing County Board" shall mean the existing Gaston County Board of Education.

(c) The term "Interim Board" shall mean the members of the Gastonia City Board, the Cherryville City Board and the existing County Board acting jointly and together as hereinafter provided for the administration of all of the public schools within Gaston County for the interim period hereinafter provided in this Act.

(d) The term "Gastonia City Administrative Unit" shall mean the geographical territory over which the Gastonia City Board of Education exercises authority in administering and operating the public schools of said unit.

(e) The term "Cherryville City Administrative Unit" shall mean the geographical territory over which the "Cherryville City Board of Education" exercises authority in administering and operating the public schools of said unit.

(f) The term "County Administrative Unit" shall mean the geographical territory over which the Gaston County Board of Education exercises authority in administering and operating the public schools of said unit.

(g) The term "County Commissioners" shall mean the Board of Commissioners of Gaston County.

(h) The term "Gaston County Board of Education" shall mean the single Board hereinafter established by this Act for the purpose of operating and administering all of the public schools of Gaston County, including those schools now operated and administered by the Gastonia City Board of Education, the Cherryville City Board of Education and the Gaston County Board of Education.

Sec. 2. When fully constituted and established the Gaston County Board of Education shall consist of nine members, and each of said members shall be residents and qualified voters of the districts hereinafter described according to the membership allocations hereinafter made to said districts as follows:

Four members shall be elected, one from each of the following areas or districts, said members to be voted on by the voters of Gaston County at large.

1. Gaston County School Planning Area or District I shall be entitled to one member.

2. Gaston County School Planning Area or District II shall be entitled to one member.

3. Gaston County School Planning Area or District III shall be entitled to one member.

4. Gaston County School Planning Area IV shall be entitled to one member.

5. Five members shall be elected from the County at large without regard to planning area, district, or township limitations.

The Gaston County Board of Commissioners is hereby authorized and directed to define the boundaries of the above referred to planning areas or Districts I, II, III and IV and to publish the boundaries of said areas or districts prior to such time as any election hereinafter provided for is held. The Gaston County Board of Commissioners is hereby authorized to determine said boundaries utilizing standards of student population, projected growth patterns, geographical considerations and such other standards as they may determine to be applicable and in the best interests of the Gaston County Schools.

Sec. 3. In order to provide for an orderly transition in the administration of the three school units into one Gaston County Unit and in order to take advantage of the experience of the membership of the presently existing three school boards, in the event that the school building bonds, consolidation and the supplemental tax as hereinafter provided for are voted by the voters of Gaston County an Interim Gaston County Board of Education shall administer the Gaston County School system until such time as the Gaston County Board of Education herein established shall be fully constituted. The Interim Gaston County Board of Education is hereby constituted and established and the members thereof shall be elected or appointed as follows:

Prior to the time of filing of notice of candidacy for elected members of the Gaston County Board of Education the existing Gastonia City Board of Education from its membership shall appoint four members to the Interim Board, the Cherryville Board of Education from its membership shall appoint two members to the Interim Board and the existing County Board from its membership shall appoint six members to the Interim Board. The appointments from the various existing Boards of Education to the Interim Board shall be made by the full membership of said existing Boards of Education so that the Interim County Board of Education shall be composed of six members from the existing County Board, four members from the Gastonia City Board of Education and two members from the Cherryville Board of Education. Such members

shall serve until the first election hereinafter provided and until such time as their successors are elected and qualify.

Sec. 4. At the time of the general election during the year 1968, there shall be elected nine members who shall after their qualification constitute the Gaston County Board of Education. Four of said members shall be residents and electors of the Planning Areas or Districts as set forth in Section 2 of this Act and five of the members shall be residents and electors of the County at large as set forth in Section 2 of this Act, and each of said members shall be elected by the voters of Gaston County at large in a nonpartisan election. At the first election held under this Act the three candidates receiving the highest number of votes in descending order shall be declared elected for six-year terms; the three candidates receiving the next highest number of votes shall be declared elected for four-year terms; and the three candidates receiving the next highest number of votes, all in descending order, shall be declared elected for two-year terms. The nine candidates receiving the highest number of votes in the election, as outlined in this Section 4, shall be certified and declared by the Board of Elections to be the members of the Gaston County Board of Education. Biennially thereafter, at each general election, the vacancies occurring in the membership of said Board shall be filled by election as the terms of the members expire, and all such members elected shall hold office for terms of six years. Vacancies occurring in the membership of said Board elected from a Planning Area or District shall be filled by election of a member whose residence is within said Area or District to the end that each of the four Planning Areas or Districts hereby authorized and created shall always have a member representing such Area or District in addition to any at large member who may also be a resident of the Planning Area or District. The persons or candidates so nominated from the Planning Areas or Districts shall be voted upon by the voters of Gaston County at large in said election. The names of candidates for election to the Gaston County Board of Education shall not appear on any ballot in the primary election but shall appear only in the general election as herein provided. A separate ballot entitled "Gaston County Board of Education" shall be used in the election and all voters qualified to vote in said general election in Gaston County shall be eligible to vote in said election. Each candidate for election for membership on the Gaston County Board of Education shall file a notice of candidacy with the Board of Elections showing the Planning Area or District of which said candidate is a resident and whether such candidate is a candidate for election from the district or for election at large. All candidates for election from the various Planning Areas or Districts or for nomination at large shall file such notice of candidacy within the time required by law for County officers to file in primary elections without declaring a party affiliation and shall pay a filing fee of ten dollars ($10.00). The election of said members of the Gaston County Board of Education shall be held, conducted and supervised by the Board of Elections, and except as herein provided the general election laws and regulations for the nomination and election of County officers, and as set forth in Chapter 163 of the General Statutes, as amended, shall apply and govern as to the holding of said election.

The members of said Board nominated and elected in the general election of 1968 shall take office on the first Monday in December, 1968, and the terms of their office shall date and extend from that time. All vacancies in the membership of the Gaston County Board of Education by reason of death, resignation or removal from area or district from which elected shall be filled by the remaining members of said Board from the area of residence in which the vacancy occurs for the complete unexpired term and within 30 days after the vacancy occurs.

In the event no candidate is elected in the general election to fill any term which is to expire, then and in that event, the Gaston County Board of Education shall declare a vacancy, and such vacancy shall be filled in accordance with the preceding paragraph of this Section 4.

The Interim Gaston County Board of Education, and thereafter the Gaston County Board of Education, shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie. All members of said Board shall be equally entitled to hold any office of the Board. The Interim Board and thereafter the Gaston County Board of Education shall control, administer and operate all of the public schools in Gaston County, including the public schools now located in the Gastonia City Administrative Unit and the Cherryville City Administrative Unit, as well as the public schools now located in the Gaston County Administrative Unit. The Interim Board and thereafter the Gaston County Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by City and County Boards of Education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified.

Sec. 5. In the event the qualified electors of Gaston County by a majority of those voting shall approve this Act in a special election or referendum as hereinafter provided, then the Interim Board shall on the first Monday following the certification of election results assume the authority and shall control, operate and administer public schools of Gaston County, including those public schools located and situated in the Gastonia City Administrative Unit and the Cherryville City Administrative Unit. The Interim Board shall meet on the first Monday following the certification of election results by the Board of Elections for the purpose of organization and the election of a superintendent and associate superintendents or assistant superintendents as provided by law.

The Interim Board and thereafter the Gaston County Board of Education shall have power and authority to prepare and submit to the Board of County Commissioners all necessary budgets, including supplemental budgets, and at the time required by law shall prepare and submit to the Board of Commissioners all necessary capital outlay, debt service, current expense budgets, including proper notice to the Board of Commissioners to include any supplemental tax with all other taxes to be levied by the Board of Commissioners for school purposes. The Board of Commissioners

may approve or disapprove all budgets, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget, including the supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The Interim Board shall expend all funds in conformity with the approved budgets, and in the event of a disagreement between the Interim Board and the Board of Commissioners as to the amount of the supplemental tax levy to be made or as to any budget items, such disagreement shall be resolved by the procedure provided by the General Statutes of North Carolina in Section 115-87 and Section 115-88. For the period of time during which its authority is exercised, the Interim Board shall exercise all the powers and duties that can and may be exercised by City and County Boards of Education and as provided by Chapter 115 of the General Statutes (Replacement 1960) as amended, and as the same may be hereafter revised and amended. When the Interim Board shall assume authority as herein provided in this Act, all authority and power of the Gastonia City Board, the Cherryville City Board and the existing County Board shall cease and terminate, and the same shall be vested in the Interim Board. The Interim Board is authorized and empowered to employ a superintendent, associate superintendents or assistant superintendents, and to employ all necessary principals, teachers, clerical assistants, janitors, maids and all other necessary school employees or personnel as now provided by the public school law. In the event the Interim Board shall assume power and authority to administer the public school system of the County of Gaston, including the public schools of the Gastonia City Administrative Unit and the Cherryville City Administrative Unit, then its power and authority for such purposes shall cease and terminate on the first Monday in December, 1968, when the Gaston County Board of Education shall assume authority and its members take office as herein provided. Nothing herein shall affect the supplemental tax of any existing administrative unit or County school district levied for public school purposes unless and until the County-wide supplemental tax for all of the schools in Gaston County is approved according to the provisions of this Act.

Sec. 6. In the year 1969, and in each subsequent year, at the same time the other budgets are filed, the Gaston County Board of Education shall file a supplemental budget and request that a sufficient levy be made by the Board of Commissioners on all taxable property located within Gaston County not to exceed the rate voted by the people in said County. The Board of Commissioners may approve or disapprove the supplemental budget, in whole or in part, and shall levy such taxes as are necessary to provide for the approved budget for supplemental purposes, not exceeding the amount of the tax levy authorized by the vote of the people. The expenditure of the proceeds of said levy shall be in accordance with the aforesaid supplemental budget as approved by the Board of Commissioners. In the event of a disagreement between the Gaston County Board of Education and the Board of Commissioners as to the amount of the supplemental tax levy to be made such disagreement shall be resolved by the procedure provided in G. S. 115-87 and G. S. 115-88.

Sec. 7. The financial administration of the Gaston County Board of Education shall be governed by the provisions of the General Statutes

of North Carolina as they apply to the financial administration of County school administrative units. Notwithstanding the provisions of G. S. 115-50, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school and it shall not be required that committee chairmen sign the same. Whenever the Gaston County Board of Education shall have authorized the execution of any contract, conveyance, or other instrument, the vice chairman shall have the same authority as the chairman to execute the same on behalf of such Board. In the event of the absence or inability of both the chairman and vice chairman to attend any meeting or meetings, the Gaston County Board of Education, by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, for and on behalf of such Board.

Sec. 8. The superintendent of schools shall be ex officio secretary of the Gaston County Board of Education as provided by G. S. 115-56. The said Board may elect an assistant secretary to serve at the pleasure of the said Board. The assistant secretary may be, but shall not be required to be, a member of said Board. Such assistant secretary may perform the duties of the secretary of the said Board when the secretary is absent from any meeting or for any other reason is unable to perform his duties as secretary. The assistant secretary shall have authority to attest all contracts, conveyances, and other instruments which are required by law to be attested by the secretary. The secretary, or in his absence the assistant secretary, shall keep the minutes of all meetings of the said Board and it shall be the duty of such secretary or assistant secretary to furnish each member of the said Board with a copy of the minutes as soon after any meeting as may be reasonably practicable. In addition to the election of a superintendent of schools in the manner provided by the general law, the said Board may employ such associate superintendents and assistant superintendents and such other administrative officers as it may deem necessary and proper, and prescribe their duties. Except as modified by other provisions of this Act, all principals and teachers shall be elected in the manner prescribed by the general law. The Board may delegate to the superintendent of schools, or to one or more associate superintendents or assistant superintendents or to other administrative officers, authority to employ and prescribe the duties of all other employees or classes of employees, including janitors and maids, and to fix the compensation within such limits as the Board may prescribe and to determine the terms or periods for which they shall be employed. The compensation of administrative officers of the Board shall be fixed by the Board. Out of any local supplement the Board may pay to any employee or employees such compensation, in addition to compensation paid such employee or employees by the State, as it may deem proper.

Sec. 9. The Gaston County Board of Education as herein created may appoint school committees for some or all of the schools within Gaston County in accordance with the provisions of the general public school law, but said Board shall not be required to appoint school committees for all schools, and for any school for which no school committee is appointed, the Board itself shall exercise those functions which are given to school committees under the general law. Such committees as may be appointed shall serve in an advisory capacity only.

Sec. 10. Title to all property of the Gastonia City Board of Education and the Cherryville City Board of Education and all property of the Gaston County Board of Education, both real and personal, of every kind and description, shall be vested in the Interim Gaston County Board of Education as of the first Monday following the certification of election results and to its successors as hereinafter provided in this Act. The Gastonia City Board, the Cherryville City Board and the Gaston County Board shall have full and ample authority after date of election and prior to such date to execute all such deeds and other writings as may be deemed necessary to vest record title to any such property in the Gaston County Board of Education. All claims and demands of every kind which the Gastonia City Board, the Cherryville City Board and the Gaston County Board may have as of such date shall pass and be transferred to the Gaston County Board of Education, and said Board of Education shall have the same power and authority to enforce said claims and demands as the Gastonia City Board, the Cherryville City Board and the Gaston County Board would have had in the event of their continuing existence. Any obligations and liabilities of the Gastonia City Board, the Cherryville City Board and the Gaston County Board existing as of such date shall be and become the obligations and liabilities of the Gaston County Board of Education, and such obligations and liabilities may be enforced against said Gaston County Board of Education to the same extent that they might have been enforced against the Gastonia City Board, the Cherryville City Board or the Gaston County Board had they continued in existence. All unexpended taxes collected by the auditor or other proper officer of Gaston County on account of school supplement levies made within the Gastonia City Administrative Unit, the Cherryville City Unit and the Gaston County Unit, prior to such date, shall be paid by the said auditor or other proper officer to the treasurer of the Gaston County School Fund as soon as practicable.

Sec. 11. All funds or moneys now being paid to either the Gastonia City Board, the Cherryville City Board or the Gaston County Board from any sources shall be paid to the Interim Board when it assumes authority or control of the public schools as provided by this Act, and on and after the first Monday in December, 1968, all funds derived from any source for school purposes shall be paid to the Gaston County Board of Education.

Sec. 12. The compensation of the members of the Interim Gaston County Board of Education and thereafter of the Gaston County Board of Education is hereby fixed at fifteen dollars ($15.00) per meeting per member not to exceed 12 meetings per year.

Sec. 13. The Gastonia City Board of Education, the Cherryville City Board of Education and the Gaston County Board of Education, by majority vote of each of said Boards, may jointly petition the Board of Commissioners for the County of Gaston to call a county-wide election as hereinafter provided for the purpose of voting upon (a) the reorganization and consolidation of the Gastonia City School Administrative Unit, the Cherryville City School Administrative Unit and the Gaston County School Administrative Unit into one administrative unit with one Board of Education as its governing body to the end that all of the public schools of Gaston County shall be administered and operated by one Board, (b) the

authorization of not exceeding twenty million dollars ($20,000,000.00) school building bonds of the County of Gaston and (c) the levying of a county-wide supplemental school tax not to exceed fifty cents ($.50) per one hundred dollars ($100.00) assessed valuation.

Sec. 14. Upon receipt of such petitions it shall be the duty of the Board of Commissioners for the County of Gaston to call an election to be held not later than June 30, 1968, for the purpose of submitting to the qualified voters of said County three questions in substantially the following form:

1. If a majority of the qualified voters of the County of Gaston who shall vote thereon shall vote for the approval of the order authorizing not exceeding twenty million dollars ($20,000,000.00) school building bonds and the levying of a county-wide supplemental school tax not to exceed fifty cents ($.50) per one hundred dollars ($100.00) assessed valuation, shall the Gastonia City Administrative Unit, the Cherryville City Administrative Unit and the Gaston County Administrative Unit be reorganized and consolidated into one administrative unit with one Board of Education as its governing body to the end that all of the public schools of Gaston County shall be administered and operated by one Board.

2. If a majority of the qualified voters of the County of Gaston who shall vote thereon shall vote for the approval of the reorganization and consolidation of the administrative units into one administrative unit with one Board of Education and for the levying of the supplemental school tax, shall an order passed by the Board of Commissioners for the County of Gaston authorizing not exceeding twenty million dollars ($20,000,000.00) school building bonds of said County for the purpose of providing funds, with any other available funds, for construction, remodeling and additions to the physical facilities of the consolidated school system of Gaston County, be approved.

3. If a majority of the qualified voters of the County of Gaston who shall vote thereon shall vote for the approval of the reorganization and consolidation of the administrative units into one administrative unit with one Board of Education and for the approval of the order authorizing not exceeding twenty million dollars ($20,000,000.00) school building bonds, shall the Board of Commissioners of Gaston County be authorized to levy a county-wide supplemental school tax not to exceed fifty cents ($.50) per one hundred dollars ($100.00) assessed valuation.

The school building bonds in an amount not exceeding twenty million dollars ($20,000,000.00) hereinabove mentioned shall be issued pursuant to and in compliance with the County Finance Act, as amended, being Article 9 of Chapter 153 of the General Statutes, and shall be issued for the purposes therein provided in G. S. 153-77(1).

Such election shall be held and conducted, in accordance with the applicable provisions of the General Statutes of North Carolina, in the same manner as elections are held to determine the question of the issuance of bonds. The form of the ballot shall be determined by the Board of Commissioners of said County and voting machines may be used.

The Board of Commissioners shall prepare a statement showing the number of votes cast for and against each question and declaring the result of the election, which statement shall be signed by a majority of the

members of said Board and delivered to the clerk or recording officer who shall record it in the minutes of such Board and file the original in his office and publish it once in a newspaper of general circulation in Gaston County.

Sec. 15. If all of the conditions prerequisite to the issuance of bonds set forth in this Act are not complied with and satisfied, no school building bonds shall be issued under this Act and the Board of Commissioners for the County of Gaston shall repeal the order authorizing such school building bonds if such order shall have been approved by the voters.

Nothing contained in this Act shall limit or restrict the power of the County of Gaston to authorize and issue bonds for school purposes pursuant to and in compliance with the County Finance Act, as amended, including the issuance of bonds for the same purpose and in the same amount as may be authorized pursuant to the provisions of this Act.

Sec. 16. All general or public laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 17. All Special, Local, Public-Local or Private Laws inconsistent with and in conflict with this Act are hereby repealed.

Sec. 18. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provisions adjudged unconstitutional or invalid.

Sec. 19. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 400 CHAPTER 907

AN ACT TO AMEND CHAPTER 146 OF THE GENERAL STATUTES TO PROVIDE A MEANS TO REGULATE DREDGING AND FILLING OF MARSHES AND TIDELANDS.

WHEREAS, the marshes, tidelands and navigable streams are the breeding and nursery areas that must be maintained in order to preserve the shellfish, game fish, waterfowl and food fish along our coast; and

WHEREAS, these areas are one of the State's most valuable recreational resources and tourist attractions and must be protected from destruction by unauthorized means; and

WHEREAS, the protection of marsh lands, tidelands and navigable waters is becoming a continuing problem and no record of dredge and dragline owners and operators working in such areas is available and a continuing series of damages is occurring, the following addition to Chapter 146 is necessary to provide a means of protecting this important part of North Carolina's natural resources: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 146 of the General Statutes is hereby amended by adding immediately following G. S. 146-6 a new Section designated as G. S. 146-6.1 which reads as follows: Protection of Marshes and Tidelands:

Any person, firm, or corporation owning, leasing, or otherwise being in possession of power-operated earth moving equipment operating or to be operated in or on publicly owned tidelands, publicly owned beaches, publicly owned marsh lands, or navigable waters within the State shall register the same with the Department of Water Resources on or before October 1, 1967. Registration as herein provided shall also be required for power-operated equipment used in projects of hauling and placing materials of any sort in areas below the mean high tide. As used herein, the term power-operated earth moving equipment shall include, but not be limited to, dredges, draglines, bulldozers, motor graders, trucks and like equipment. Unregistered equipment may be used to supplement registered equipment in construction of approved projects.

Sec. 2. A registration number shall be assigned to each machine registered, which number shall be displayed in letters not less than six inches high on the top and side of each machine.

Sec. 3. Registration of equipment as provided herein shall be renewed annually. A fee of three dollars ($3.00) shall be charged for the registration of each machine, and a fee of three dollars ($3.00) shall be charged for each annual renewal. Revenue from registration fees shall be applied to the cost of administering this Act, including, but not limited to, the employment of personnel and the purchase and operation of equipment and supplies.

Sec. 4. Any change of ownership of equipment registered under this Act, whether by lease, sale, or other disposition shall be reported in writing to the Department of Water Resources or its successor, which report shall include the name and address of the person, firm or corporation to whom the transfer is made, and such person, firm or corporation shall within 10 days from the date of transfer, register such equipment with the Department of Water Resources as heretofore set forth.

Sec. 5. Nothing contained herein shall be construed to prevent use of any and all equipment for emergency use in repairing damage caused by hurricanes or like catastrophe, whether or not such equipment is registered and a permit issued as herein provided.

Sec. 6. The Department of Water Resources or its successor shall be responsible for the administration of this Act.

Sec. 7. This Act shall apply to all persons, firms, or corporations owning or operating earth moving equipment in publicly owned tidelands, publicly owned marsh lands and navigable waters within the State, excepting, however, equipment owned by the United States of America, the State of North Carolina or political subdivision thereof.

Sec. 8. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor.

Sec. 9. Any person, firm, or corporation aggrieved by any decision rendered under the provisions of this Act may appeal therefrom as provided by Chapter 143, Article 33 of the General Statutes of North Carolina.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 511 **CHAPTER 908**

AN ACT TO PROVIDE FOR PROMPT CERTIFICATION OF INSURANCE COVERAGE BY INSURANCE COMPANIES.

WHEREAS, the laws of North Carolina require owners and operators of motor vehicles titled or registered in North Carolina to maintain proof of financial responsibility; and

WHEREAS, when requested by the North Carolina Department of Motor Vehicles to establish proof of financial responsibility an owner who fails to do so within a limited period of time may have his license tag revoked; and

WHEREAS, certification by an insurance carrier that said motor vehicle was covered by a policy of liability insurance which was in full force and effect on the day in question is proof accepted by the Department of Motor Vehicles; and

WHEREAS, the prompt certification by insurance carriers to the North Carolina Department of Motor Vehicles upon proper request by the insured can avoid embarrassment, inconvenience and minimize financial loss to insureds who have coverage in force: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Upon the receipt by an insurance company at its Home Office of a registered letter from an insured requesting that it certify to the North Carolina Department of Motor Vehicles whether or not a previously issued policy of automobile liability insurance was in full force and effect on a designated day, it shall be the duty of such insurance company to forward such certification within seven days.

Sec. 2. If any insurance company shall without good cause fail to forward said certification within seven days after its receipt of such registered letter, the North Carolina Commissioner of Insurance shall be authorized in his discretion to impose a civil penalty upon said company in the amount of two hundred dollars ($200.00) for such violation.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 514 **CHAPTER 909**

AN ACT PROHIBITING UNAUTHORIZED INSURERS FROM TRANSACTING INSURANCE BUSINESS IN THIS STATE, DEFINING ACTS WHICH CONSTITUTE THE TRANSACTION OF BUSINESS IN THIS STATE; PROVIDING A METHOD OF OBTAINING JURISDICTION OVER UNAUTHORIZED INSURERS AND PRESCRIBING PENALTIES AND OTHER REMEDIES FOR VIOLATION OF THE LAW BY UNAUTHORIZED INSURERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding immediately after Article 3B thereof a new Article to be designated as "Article 3C" and reading as follows:

"ARTICLE 3C

"Unauthorized Insurers

"§ 58-54.20. Purpose of Act. It is the purpose of this Act to abate and prevent the practices of unauthorized insurers within the State of North Carolina, and to provide methods for effectively enforcing the laws of this State against such practices. The General Assembly finds that there is within this State a substantial amount of insurance business being transacted by insurers who have not complied with the laws of this State and have not been authorized by the Commissioner of Insurance to do business. These practices by unauthorized insurers are deemed to be harmful and contrary to public welfare of the citizens of this State. The difficulties which arise from the acts and practices of unauthorized insurers is compounded by the fact that such companies are licensed in foreign jurisdictions and conduct a long-range business without having personal representatives or agents in proximity to insureds. The General Assembly further declares that it is a subject of vital public interest to the State that unlicensed and unauthorized companies have been and are now engaged in soliciting by way of direct mail and other advertising media, insurance risks within this State, and that such companies enjoy the many benefits and privileges provided by the State as well as the protection afforded to citizens under exercise of the police powers of the State, without themselves being subject to the laws designed to protect the insurance consuming public. The provisions of this Article are in addition to all other statutory provisions of Chapter 58 relating to unauthorized insurers and do not replace, alter, modify or repeal such existing provisions.

"§ 58-54.21. Transacting Business Without Certificate of Authority Prohibited; Exceptions. Except as hereinafter provided, it shall be unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this State as set forth in § 58-54.22 of this Article, without a certificate of authority issued by the Commissioner of Insurance. This Section shall not apply to the following acts or transactions:

(a) The procuring of a policy of insurance upon a risk within this State where the applicant is unable to procure coverage in the open market with admitted companies and is otherwise in compliance with § 58-53.1;

(b) Contracts of reinsurance;

(c) Transactions in this State involving a policy lawfully solicited, written and delivered outside of this State covering only subjects of insurance not resident, located or expressly to be performed in this State at the time of issuance, and which transactions are subsequent to the issuance of such policy;

(d) Transactions in this State involving group or blanket insurance and group annuities where the master policy of such group insurance was lawfully issued and delivered in a state where the company was authorized to transact business;

(e) Transactions in this State involving all policies of insurance issued prior to the effective date of this Act;

(f) The procuring of contracts of insurance issued to an 'industrial insured' as hereinafter defined.

"For the purposes of this Section, an 'industrial insured' is an insured (1) who procures the insurance of any risk or risks by use of the services of a full-time employee acting as an insurance manager or buyer, (2) whose aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars ($25,000.00), and (3) who has at least 25 full-time employees: Provided, nothing herein shall relieve such industrial insured from complying with the provisions of § 58-53.1.

"§ 58-54.22. Acts or Transactions Deemed to Constitute Transacting Insurance Business in this State. The following acts, if performed in this State, shall be included among those deemed to constitute transacting insurance business in this State:

1. (a) Maintaining any agency or office where any acts in furtherance of an insurance business are transacted, including, but not limited to the execution of contracts of insurance with citizens of this or any other state;

(b) Maintaining files or records of contracts of insurance; or

(c) Receiving payments of premiums for contracts of insurance.

2. Likewise, any of the following acts in this State, whether effected by mail or otherwise by an unauthorized insurer, is included among those deemed to constitute transacting insurance business in this State;

(a) The issuance or delivery of contracts of insurance to residents of this State or to corporations authorized to do business therein;

(b) The soliciting of applications for contracts of insurance through the use of the United States mail or any other media, method or device;

(c) The collections of premiums, membership fees, assessments or other considerations for such contracts; or

(d) The transaction of any matters prior to or subsequent to the execution of such contracts in contemplation thereof or arising out of them.

"Any company violating any of the provisions of this Section, by doing any of the foregoing acts or transactions while not authorized to do business within this State, shall be subject to penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense; such penalty shall be payable to the Commissioner of Insurance, who shall in turn forward the same to the county or counties wherein the violation or violations occur, for the use of the public schools of such county or counties: Provided, that each day in which a violation occurs shall constitute a separate offense. The Attorney General of the State of North Carolina at the request of and upon information from the Insurance Commissioner shall initiate a civil action in behalf of the Commissioner in any county of the State wherein a violation under this Section occurs to recover the penalty provided. Service of process upon the unauthorized insurer shall be had as is provided in § 58-54.25.

"§ 58-54.23. Validity of Acts or Contracts of Unauthorized Company Shall not Impair Obligation of Contract as to the Company; Maintenance of Suits; Right to Defend. The failure of a company to obtain a certificate of authority shall not impair the validity of any acts or contracts of the company. Any person or insured holding contracts of insurance of an unauthorized insurer may bring an action in the courts of this State under the provisions of G. S. 58-153.1, known as the 'Unauthorized Insurers

Process Act', for the enforcement of any rights pursuant to the contract of insurance. The failure of the insurance company to obtain a certificate of authority shall not prevent such company from defending any action at law or suit in equity in any court of this State so long as the said company fully complies with the provisions of Section 58-153.1(c), but no company transacting insurance business in this State without a certificate of authority shall be permitted to maintain an action at law or in equity in any court of this State to enforce any right, claim or demand arising out of the transaction of such business until such company shall have obtained a certificate of authority. Nor shall an action at law or in equity be maintained in any court of this State by any successor or assignee of such company on any such right, claim or demand originally held by such company until a certificate of authority shall have been obtained by the company or by a company which has acquired all or substantially all of its assets. Nothing in this Section shall be construed to abrogate the conditions of admission into this State nor to impair the authority of the Commissioner of Insurance with respect to the issuance of certificates of authority. The Commissioner of Insurance in considering the issuance of a certificate of authority shall take into consideration the acts or transactions which an unauthorized company has engaged in in this State prior to its application for a certificate of authority.

"§ 58-54.24. Commissioner Empowered to Enjoin Unauthorized Companies. Whenever the Commissioner of Insurance, from evidence satisfactory to him, has reasonable grounds for believing that any foreign or alien company is violating or is about to violate the provisions of § 58-54.21, the Commissioner may through the Attorney General of this State cause a complaint to be filed in the Superior Court of Wake County to enjoin and restrain such company from continuing such violations or engaging therein, or doing any act in furtherance thereof. The court shall have jurisdiction of the proceedings and shall have the power to make and enter an appropriate order or judgment granting preliminary or final injunctive relief as in its discretion is proper: Provided, however, that the company alleged to be in violation shall have been served with process as is provided hereinafter.

"§ 58-54.25. Service of Process Upon Unauthorized Company by Commissioner of Insurance. (a) Any act of entering into a contract of insurance as an insurer or transacting insurance business in this State, as set forth in G. S. 58-54.22 by an unauthorized, foreign or alien company, shall be equivalent to and shall constitute an appointment by such company of the Secretary of State to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it arising out of a violation of G. S. 58-54.21, and any of said acts shall be a signification of its agreement that any such process against it, which is so served, shall be of the same legal force and validity as if in fact served upon the company.

(b) Service of process on the Secretary of State shall be made by the sheriff delivering to and leaving with the Secretary of State duplicate copies of such process, notice or demand. Service shall be deemed complete when the Secretary of State is so served. The Secretary of State shall endorse upon both copies the time of receipt and shall forthwith send one

of such copies by registered mail, with return receipt requested, to such insurer at its last known principal place of business as shown on the process, notice or demand served on the Secretary of State. The Insurance Commissioner and the Attorney General shall see that such address is included on the process, notice or demand which is served upon the Secretary of State. A copy of the complaint or order of the clerk extending the time for filing the complaint must be mailed to the insurer with the copy of the summons. When a copy of the complaint is not mailed with the summons, the Secretary of State shall mail a copy of the complaint when it is served on him in the same manner as the copy of summons is required to be mailed.

(c) Upon the return to the Secretary of State of the requested return receipt showing delivery and acceptance of such registered mail, or upon the return of such registered mail showing refusal thereof by such foreign or alien insurer, the Secretary of State shall note thereon the date of such return to him and shall attach either the return receipt or such refused mail including the envelope, as the case may be, to the copy of the process, notice or demand theretofore retained by him and shall mail the same to the clerk of the court in which such action or proceeding is pending and in respect of which such process, notice or demand was issued. Such mailing, in addition to the return by the sheriff, shall constitute the due return required by law. The clerk of the court shall thereupon file the same as a paper in such action or proceeding.

(d) Service made under this Section shall have the same legal force and validity as if the service had been made personally in this State. The refusal of any such foreign or alien insurer to accept delivery of the registered mail provided for in subsection (b) of this Section or the refusal to sign the return receipt shall not affect the validity of such service; and any foreign or alien insurer refusing to accept delivery of such registered mail shall be charged with knowledge of the contents of any process, notice or demand contained therein.

(e) Whenever service of process is made upon the Secretary of State as herein provided the defendant foreign or alien insurer shall have 30 days from the date when the defendant receives or refuses to accept the registered mail containing the copy of the complaint sent as in this Section provided in which to appear and answer the complaint in the action or proceeding so instituted. Entries on the defendant's return receipt or the refused registered mail shall be sufficient evidence of such date. If the date of acceptance or refusal to accept the registered mail cannot be determined from the entries on the return receipt or from notations of the postal authorities on the envelope, then the date when the defendant accepted or refused to accept the registered mail shall be deemed to be the date that the return receipt or the registered mail was received back by the Secretary of State.

(f) The court in any action or proceeding in which service is made in the manner provided in the above paragraph may, in its discretion, order such postponement as may be necessary to afford such company reasonable opportunity to defend such action or proceeding.

(g) The Secretary of State shall keep a summarized record of all processes, notices and demands served upon him under this Section, and

shall record therein the time of such service and his action with reference thereto.

(h) Nothing herein contained shall limit or affect the right to serve any process, notice or demand to be served upon an insurer in any other manner now or hereafter permitted by law.

(i) No judgment by default shall be entered in any such action or proceeding until the expiration of 30 days from the date of the filing of the affidavit of compliance.

"§ 58-54.25.1. The provisions of Section 58-54.21 and Section 58-54.22 shall not apply to a life insurance company already organized as a corporation or association and operating without profit to any private shareholder or individual, exclusively for the purpose of aiding educational or scientific institutions by providing directly from the home office of such corporation or association, without agents or representatives in this State, contracts of insurance and annuities to educational or scientific institutions organized and operated without profit to any private shareholder or individual or to individuals engaged in the service of such educational or scientific institution; nor shall the provisions of Sections 58-54.21 and 58-54.22 apply to any insurance or annuity contracts issued by such life insurance company."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective on and after July 1, 1967, but the same shall not apply to any contracts of insurance in effect before the effective date of this Act.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 578 CHAPTER 910

AN ACT TO PROVIDE FOR THE EXAMINATION AND LICENSING OF PRACTICING PSYCHOLOGISTS; TO CREATE A STATE BOARD OF EXAMINERS OF PRACTICING PSYCHOLOGISTS; TO DEFINE THE DUTIES AND POWERS OF THAT BOARD; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the "Practicing Psychologist Licensing Act".

Sec. 2. Definitions. (a) "Licensed practicing psychologist" means an individual to whom a license has been issued pursuant to the provisions of this Act, and whose license is in force and not suspended or revoked.

(b) "Practice of psychology" within the meaning of this Act is defined as rendering, or offering to render, professional psychological services to individuals, singly or in groups, whether in the general public or in organizations, either public or private, for a fee, monetary or otherwise.

(c) "Professional psychological services" means the application of psychological principles and procedures for the purpose of understanding, predicting, or influencing the behavior of individuals in order to assist in their attainment of maximum personal growth; optimal work, family, school and interpersonal relationships; and healthy personal adjustment. The application of psychological principles and procedures includes some of all or the following, but is not restricted to: interviewing, counseling, and psychotherapy; administering and interpreting instruments for the assessment and evaluation of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation; diagnosis, prevention, and amelioration of adjustment problems; hypnosis; the resolution of interpersonal and social conflict; educational and vocational counseling; personnel selection; and the evaluation and planning for effective work and learning situations. Teaching, writing, the giving of public speeches or lectures, and research concerned with psychological principles, or the application of psychological principles, are not included in professional psychological services within the meaning of this Act.

(d) "Psychological examiner" is an individual, licensed within the meaning of this Act, who offers to render, or renders professional psychological services such as interviewing or administering and interpreting tests of mental abilities, interests, aptitudes, and personality characteristics for such purposes as psychological evaluation, or for educational, vocational or personnel selection, guidance or placement. The psychological examiner does not engage in over-all personality appraisal or classification, personality counseling or personality readjustment techniques except under qualified supervision.

(e) "Psychotherapy" within the meaning of this Act means the use of learning or other psychological behavioral modification methods in a professional relationship to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual.

(f) "Board" means the North Carolina State Board of Examiners of Practicing Psychologists.

(g) "Accredited educational institution" means a college or university chartered by the State and accredited by the appropriate regional association of colleges and secondary schools.

Sec. 3. Practice of Medicine and Optometry Not Permitted. Nothing in this Article shall be construed as permitting licensed practicing psychologists or psychological examiners to engage in any manner in all or any of the parts of the practice of medicine or optometry licensed under Articles 1 and 6 of Chapter 90 of the General Statutes, including, among others, the diagnosis and correction of visual and muscular anomalies of the human eyes and visual apparatus, eye exercises, orthoptics, vision training, visual training and developmental vision. A licensed practicing psychologist or psychological examiner shall assist his client in obtaining professional help for all aspects of his problems that fall outside the boundaries of his own competence, including provision for the diagnosis and treatment of relevant medical or optometric problems. In rendering psychotherapy in any form, the licensed practicing psychologist or psychological examiner shall develop liaison, communication, and meaning-

ful collaboration with a physician, duly licensed to practice medicine in North Carolina, designated by the client.

Sec. 4. Exemptions to this Act. (a) Nothing in this Act shall be construed as limiting the activities, services, and use of official title on the part of any person in the regular employ of a federal, state, county, or municipal government, or other political subdivision, or any agency thereof, or of a duly accredited or chartered educational institution, insofar as such activities and services are a part of the duties and responsibilities of his position. Such duties and responsibilities may include, but are not restricted to, teaching, writing, conducting research, the giving of public speeches or lectures, the giving of legal testimony, consulting with publishers, serving on boards, commissions, and review committees of public and non-profit private agencies, with or without remuneration.

(b) Nothing in this Act shall be construed as limiting the activities, services, and use of title designating training status of a student, intern, or fellow preparing for the practice of psychology under qualified supervision in an accredited educational institution or service facility, provided that such activities and services constitute a part of his course of study.

(c) Nothing in this Act shall be construed as limiting the activities and services of any persons who are salaried employees of federal, State, county, municipal or other political subdivisions, or any agencies thereof, or a duly chartered or accredited educational institution, or private business, provided such employees are performing those duties for which they are employed by such organizations, and within the confines of such organization, and provided that they or their organization are not engaged in the practice of psychology as defined in this Act. In case the organization is a private business engaged in the practice of psychology as defined in this Act, such salaried employees shall be supervised by a licensed psychologist or a psychological examiner.

(d) Nothing in this Act shall be construed as restricting the use of the term "social psychologist" by any person who has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by an accredited educational institution, and who has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or has had equivalent specialized training in social psychology, and who has filed with the Board a statement of the facts demonstrating his compliance with the aforesaid conditions of this subsection.

(e) Nothing in this Article shall be construed to limit or restrict physicians and surgeons or optometrists authorized to practice under the laws of North Carolina or to restrict qualified members of other professional groups in the practice of their respective professions, provided they do not hold themselves out to the public by any title or description stating or implying that they are practicing psychologists or psychological examiners, or are licensed to practice psychology.

(f) Nothing in this Act is to be construed as prohibiting a psychologist who is not a resident of North Carolina from rendering professional psychological services in this State for not more than five days in any calendar year.

Sec. 5. Temporary Licenses. (a) A nonresident psychologist who is either licensed or certified by a similar Board of another state, or territory of the United States, or of a foreign country or province whose standards, in the opinion of the Board, are, at the date of his certification or licensure, equivalent to or higher than the requirement of this Act, may be issued a temporary license by the Board for the practice of psychology in this State for a period not to exceed 30 consecutive business days, or 45 business days in any 90-day period; provided that such a psychologist submits to the Board on a minimum of ten days' written notice evidence of certification or licensing, along with a report of the nature of his intended practice.

(b) A nonresident psychologist who meets all other requirements of Section 11A or 11B for licensing, and is not licensed or certified in his place of residence, may be issued a temporary license by the Board for the practice of psychology in this State for the same period and under the same conditions as in Sections 5 (a) above, except that a summary of his qualifications in lieu of evidence of certification or licensing must be submitted to the Board for its appraisal.

(c) A psychologist who comes to reside in North Carolina, and who is otherwise qualified for licensing may be issued a temporary license by the Board at the appropriate level for the practice of psychology until such time as the Board conducts its regular licensing examinations.

(d) A psychologist who meets all other requirements of Section 11A for licensing, except the two years of acceptable and appropriate experience, may be issued a temporary license by the Board for the practice of psychology for a period not exceeding two years, provided he practices under the supervision of a licensed practicing psychologist or a psychologist acceptable to the Board as an eligible supervisor.

(e) Fees for temporary licenses shall be as prescribed by the Board.

Sec. 6. Board of Examiners in Psychology; Appointment; Term of Office; Composition. For the purpose of carrying out the provisions of this Act, there is hereby created a North Carolina State Board of Examiners of Practicing Psychologists, which shall consist of five members to be appointed by the Governor. At all times the Board shall be composed of at least two members primarily engaged in graduate teaching or research in psychology and at least two members primarily engaged in rendering services in psychology. At all times three members shall be licensed practicing psychologists or qualified for licensure under this Act. Due consideration shall also be given to the adequate representation of the various fields of psychology. Terms of office shall be three years, and of the first Board one member shall be appointed to serve for one year, two members for two years, and two members for three years. Within 30 days after the effective date of this Act, the Executive Committee of the North Carolina Psychological Association shall, with the advice of the chairman of the graduate departments of psychology in this State, submit to the Governor a list of the names of 10 persons who are eligible for licensing as practicing psychologists under this Act, giving due regard to the required composition of the Board, and from which the Governor will select the Board within 30 days. The five psychologists appointed to the first Board shall be deemed to be and shall become licensed practicing psychologists immediately upon their appointment and qualification as

members of the Board. All terms of service on the Board expire June 30 in appropriate years. As the term of a member expires, or as a vacancy occurs for any other reason, the North Carolina Psychological Association, or its successor, shall, with the advice of the chairman of the graduate departments of psychology in the State, for each vacancy, submit to the Governor a list of the names of three eligible persons, and from this list the Governor shall make the appointment for a full term, or for the remainder of the unexpired term, if any. Each Board member shall serve until his successor has been appointed.

Sec. 7. Qualifications of Board Members. Each member of the Board shall have the following qualifications:

(a) be a resident of this State and a citizen of the United States;

(b) he shall hold the doctoral degree in psychology, or in a closely allied field, either of which qualifies him for membership in the North Carolina Psychological Association and the American Psychological Association;

(c) be at the time of his appointment, and shall have been for at least five years prior thereto, actively engaged as a psychologist in one or more branches of psychology or in the education and training of doctoral or post doctoral students of psychology or in psychological research, and such activity during the two years preceding appointment shall have occurred primarily in this State.

Sec. 8. Compensation of Members; Expenses; Employees. Members of the Board shall receive no compensation for their services, but shall receive their necessary expenses incurred in the performance of duties required by this Act, as prescribed for State boards generally. The Board may employ necessary personnel for the performance of its functions, and fix the compensation therefor, within the limits of funds available to the Board; however, the Board shall not employ any of its own members to perform inspectional or similar ministerial tasks for the Board. In no event shall the State of North Carolina be liable for expenses incurred by the Board in excess of the income derived from this Act.

Sec. 9. Election of Officers; Meetings; Adoption of Seal and Appropriate Rules. The Board shall annually elect a chairman and vice chairman from among its membership. The Board shall meet annually, at a regular time set by the Board, in the City of Raleigh, and it may hold additional meetings and conduct business at any place in the State. Three members of the Board shall constitute a quorum. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes, but any final action requires a quorum of the Board. The Board shall adopt an official seal, which shall be affixed to all licenses issued by it. The Board shall make such rules and regulations not inconsistent with law, as may be necessary to regulate its proceedings and otherwise to implement the provisions of this Act.

Sec. 10. Annual Report. On June 30 of each year, beginning with the year 1968, the Board shall submit a report to the Governor of the Board's activities since the preceding July 1, including the names of all practicing psychologists and psychological examiners to whom licenses have been granted under this Act, any cases heard and decisions rendered in matters before the Board, the recommendations of the Board as to future actions

and policies, and a financial report. Each member of the Board shall review and sign the report before its submission to the Governor. Any Board member shall have the right to record a dissenting view.

Sec. 11. Licensing and Examination.

A. Practicing Psychologist.

(1) The Board shall issue a license to practice psychology to any applicant who pays a fee of twenty-five dollars ($25.00), who passes a satisfactory examination in psychology, and who submits evidence verified by oath and satisfactory to the Board that he:

(a) is at least twenty-one years of age;

(b) is of good moral character;

(c) has received his doctoral degree based on a program of studies the content of which was primarily psychological from an accredited educational institution; and subsequent to receiving his doctoral degree has had at least two years of acceptable and appropriate professional experience as a psychologist;

(d) has not within the preceding six months failed an examination given by the Board.

B. Psychological Examiner.

(1) The Board shall issue a license to practice psychology to any applicant who pays a fee of twenty-five dollars ($25.00), who passes a satisfactory examination in psychology, and who submits evidence verified by oath and satisfactory to the Board that he:

(a) is at least twenty-one years of age;

(b) is of good moral character;

(c) has received a master's degree based on two academic years of graduate training in psychology from an accredited educational institution, or in lieu thereof, such training and experience as the Board shall consider equivalent thereof;

(d) has not within the preceding six months failed an examination given by the Board.

C. The examinations required by subsections A and B of this Section shall be of a form and content prescribed by the Board, and may be oral, written, or both. The examinations shall be administered annually, or more frequently as the Board may prescribe, at a time and place to be determined by the Board.

Sec. 12. Waiver of Requirements. (a) Prior to July 1, 1969, the Board shall waive the examination and doctoral degree required in Section 11A for any person applying for licensing as a practicing psychologist, and shall waive the examination required in Section 11B for any person applying for licensing as a psychological examiner, provided the applicant meets all other requirements of the appropriate subsection of Section 11, is qualified by education and experience judged by the Board to be acceptable for the practice of psychology, and has been engaged in such activity for at least five years prior to July 1, 1969. Qualifying experience may have been accumulated in the teaching of psychology at an accredited educational institution, or in psychological research, or in the administration of a program of psychological services.

(b) The Board shall waive the requirement of the doctoral degree required by Section 11A, provided that the applicant for practicing psycholo-

gist shows evidence, satisfactory to the Board, that he has had a combination of graduate work, training and experience indicated in Section 11A.

Sec. 13. Licensing of Psychologist Licensed or Certified in other States; Licensing of Diplomates of American Board of Examiners in Professional Psychology. (a) The Board may grant a license without examination to any person meeting the other requirements of either Section 11A or 11B and who at the time of application is licensed or certified as a psychologist by a similar Board of another state, territory or district whose standards, in the opinion of the Board, are not lower than those required by this Act. The provisions of this Section shall apply only when such states, territories, or districts grant similar privilege to residents of this State.

(b) The Board may grant a license without examination to any person who has been granted a diploma by the American Board of Examiners in Professional Psychology.

Sec. 14. Renewal of Licenses. A license issued under this Act must be renewed annually on or before the first day of January. Each application for renewal must be accompanied by a renewal fee of five dollars ($5.00). If a license is not renewed on or before the first of January of each year, an additional fee of two dollars ($2.00) shall be charged for late renewal.

Sec. 15. Refusal, Suspension, or Revocation of Licenses. (a) A license applied for, or issued under this Act may be refused or revoked by the Board upon proof that the person to whom the license was issued:

(1) has been convicted of a felony; or

(2) has been guilty of fraud or deceit in securing the license or any renewal thereof; or

(3) is an habitual drunkard or is addicted to the use of deleterious habit-forming drugs; or

(4) has been guilty of unprofessional conduct as defined by the then-current code of ethics published by the American Psychological Association.

(b) A license issued under this Act shall be suspended by the Board after failure to renew a license for a period of more than six months after the annual renewal date.

(c) The procedure for revocation, suspension, or refusal of a license shall be in accordance with the provisions of Chapter 150 of the General Statutes.

(d) A person whose license has been refused or revoked under the terms of this Section may reapply to the Board for licensure after the passage of one calendar year from the date of such revocation. The Board may reinstate a suspended license upon payment of a special fee of fifteen dollars ($15.00), and may require re-examination for reinstatement.

Sec. 16. Prohibited Acts. (a) After June 30, 1968, no person shall represent himself to be a practicing psychologist, or psychological examiner, or engage in, or offer to engage in, the practice of psychology without a valid license issued under this Act.

(b) After June 30, 1968, no person who is not licensed under this Act shall represent himself to be a licensed practicing psychologist or psychological examiner; nor shall he use a title or description, including the

term "phychology", any of its derivatives, such as "psychologic", "psychological", or "psychologist", or modifiers such as "practicing" or "certified", in such a manner which would imply that he is licensed under this Act; nor shall he practice, or offer to practice, psychology as defined in this Act, except as otherwise permitted herein. The use by a person who is not licensed under this Act of such terms, whether in titles or descriptions or otherwise, is not prohibited by this Act except when used in connection with the practice of psychology as defined in this Act; such use of these terms by a person not licensed under this Act shall not be construed as implying that a person is licensed under this Act or as practicing or offering to practice psychology.

Sec. 17. Violations and Penalties. Any person who violates Section 16 of this Act is guilty of a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment for not more than six months, or both fine and imprisonment. Each violation shall constitute a separate offense.

Sec. 18. Privileged Communication. Chapter 8 of the General Statutes is hereby amended by adding a new Section to be designated Section 8-53.2 and to read as follows:

"Sec. 8-53.2. Communications Between Psychologist and Client. No person, duly authorized as a practicing psychologist or psychological examiner, nor any of his employees or associates, shall be required to disclose any information which he may have acquired in rendering professional psychological services, and which information was necessary to enable him to render professional psychological services: Provided, that the presiding judge of a Superior Court may compel such disclosure, if in his opinion the same is necessary to a proper administration of justice."

Sec. 19. Disposition of Fees. All fees derived from the operation of this Act shall be deposited with the State Treasurer to the credit of a revolving fund for the use of the Board in carrying out its functions. The financial records of the Board shall be subjected to an annual audit, supervised by the State Auditor, and paid for out of the funds of the Board.

Sec. 20. Separability Clause. If any Section of this Act or any part thereof, is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remaining portions of the Act.

Sec. 21. G. S. 150-9, as it appears in 1964 Replacement Volume 3C of the General Statutes, is hereby amended by deleting the word "and" immediately before, and the period immediately after, the words "the State Board of Refrigeration Examiners" in line 15, and adding at the end thereof the words and punctuation ", and the North Carolina State Board of Examiners of Practicing Psychologists."

Sec. 22. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 23. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 657 **CHAPTER 911**

AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF JACKSONVILLE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF JACKSONVILLE, AND TO REPEAL CERTAIN ACTS AND PORTIONS OF CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Jacksonville is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF JACKSONVILLE

ARTICLE I. ORGANIZATION AND POWERS.

Sec. 1-1. Incorporation; Powers Generally. The City of Jacksonville, as presently incorporated by Chapter 280 of the Private Laws of 1891, as amended, shall continue to be a body politic and corporate, and henceforth the corporation shall continue to bear the name and style of the 'City of Jacksonville' and under such name and style is hereby vested with all the powers and privileges given to municipalities by the general law and by this Act, and by ordinances duly enacted, and those other powers which are inherent to municipalities, and under such name and style the city may have a common seal and alter and renew the same at pleasure, is hereby vested with all the property and rights of property which now belong to the corporation, and by this name, among other things and not by way of limitation, may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed, conveyed to, or otherwise acquired by it, and may from time to time, sell, dispose of and invest the same, as shall be deemed advisable by the proper authorities of the corporation and as shall be in conformity with the provisions of this charter, and under such name and style shall have the power to contract or be contracted with and to sue and be sued.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Jacksonville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate.

Sec. 1-2. Corporate Boundaries. The corporate boundaries of the City of Jacksonville shall be as they exist at the time of the effective date of this Act and shall be set out on a map entitled 'City of Jacksonville, Corporate Boundaries,' which map shall delineate the corporate boundaries, shall be kept up to date with a description of such corporate boundaries and shall be on file in the office of the city manager.

Sec. 1-3. Filing Claims Against City—Generally. No action shall be instituted or maintained against the city upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the council of said city and said

council shall have declined to pay or settle the same as presented, or for 10 days after such presentation shall have failed to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation prescribed by law from commencing to run at the time which the claim accrued or demand arose, or in any manner interfere with its running.

Sec. 1-4. Same—Method. No action for wrongful death, personal injuries or property damages against said city of any character whatever shall be instituted against said city unless, within three months after the happening or infliction of the death, injury or damage complained of, the complainant, his executors or administrators, shall have given notice in writing to the council of such death, injury or damage, stating in such notice the date and place of happening or infliction of the same, the manner of such infliction, the character of the injury or damages, and the amount of damages claimed therefor, but this shall not prevent any statute of limitation prescribed by law from commencing to run at the time of the happening of such death or infliction of such injury or damages or in any manner interfere with its running.

ARTICLE II. MAYOR AND COUNCIL.

Sec. 2-1. Composition. The officers of said city shall consist of a mayor and four councilmen to be elected at large by the qualified voters of said city biennially on the Tuesday following the first Monday in May in each of the odd-numbered years.

Sec. 2-2. Duties, Authority, Etc., of the Mayor. The mayor shall be the chief executive officer of the city, and shall preside over the city council. He shall be responsible for enforcing the laws of the city and shall have power to appoint special policemen for any special occasion, and to call upon the local military, under an order of the governor of the State, for the suppression of any riot or public disturbance, and shall have the power to appoint special firemen in case of an emergency. In addition to these duties he shall be vested with the powers generally inherent in the office of mayor and such other powers as may be prescribed by law or ordinance.

Sec. 2-3. Power and Organization. All the legislative powers of the city shall be vested in the mayor and city council. The city council elected as provided in Section 2-1 shall meet at 12:00 noon on Wednesday after the first Monday of May following each election, and the mayor and members of the city council whose terms of office then begin shall severally make oath before the city clerk or other person authorized to administer oaths to perform faithfully the duties of their respective offices. The city council shall thereupon be organized and by the choice from its members shall select a mayor pro tempore, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death or refusal to serve of the mayor or one or more of the members; provided, that at least three of the persons so elected are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Sec. 2-4. Vacancies—Generally. If for any cause there should be a vacancy in the office of mayor or councilman, the city council shall fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.

Sec. 2-5. Same—Failure or Refusal to Qualify. Any person elected mayor or councilman of the city who fails or refuses to qualify as such mayor or councilman for 30 days following his election, shall, at the option of the council, forfeit his office and thereupon the same shall be declared vacated.

Sec. 2-6. Meetings Regulated. The city council shall fix suitable times for its regular meetings. The mayor, the mayor pro tempore of the city council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

Sec. 2-7. Quorum and Conduct of Business. A majority of the members of the city council shall constitute a quorum. In determining whether a quorum is present at any meeting the mayor shall be counted as a member of the city council. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor pro tempore of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen.

Three affirmative votes, which may include the vote of the mayor, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 2-8. Election of Mayor and Council—Generally. At a regular election to be held in the city on the first Tuesday following the first Monday in May, following the effective date of this Act, and biennially thereafter, there shall be elected a mayor and four councilmen, all of whom shall reside within the city and shall be elected by the electors of the city at large. The four candidates receiving the highest number of votes for the offices of councilmen shall be declared elected as councilmen, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected mayor. The mayor and councilmen elected at the May, 1967, election, and biennially thereafter, shall serve for terms of two years each and until their successors are elected and qualified.

Sec. 2-9. Same—Procedure for Filing; Fees. Any person desiring to become a candidate for election as mayor or councilman shall file, not later than 5:00 p.m. four weeks prior to any municipal election, a statement with the city clerk in substantially the following form:

'I, ..., hereby give notice that I reside in the City of Jacksonville, North Carolina, and am a registered voter in said city; that I am a candidate for election to the office of ...., to be voted upon at the regular election to be held on the ..... day of May, 19....., and request that my name be placed on the official ballot for election to such office.

This the ..... day of ....., 19.....

.....

.....,

(Witness)

At the time of filing his notice of candidacy, the candidate shall pay to the city clerk, to be turned over to the city treasurer, the sum of fifteen dollars ($15.00) if a candidate for city council and the sum of twenty dollars ($20.00) if a candidate for mayor, to be credited to the general fund of the city.

Sec. 2-10. Same—Void Ballots. At all elections for city councilmen, those electors voting in such election shall vote for the total number of councilmen to be elected, and the failure of any elector to do so shall void his or her ballot and the same shall not be counted.

Sec. 2-11. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding twenty-four hundred dollars ($2400.00) a year, and he shall receive no other compensation from the city. The council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members, including the mayor pro tempore, not exceeding twelve hundred dollars ($1200.00) a year for each member and fifteen hundred dollars ($1500.00) for the mayor pro tempore.

ARTICLE III. FORM OF GOVERNMENT.

Sec. 3-1. 'Plan D'—Adopted; Exceptions. The government of the city shall be the council-manager form of government known as Plan D as set out in Chapter 160 of the General Statutes of North Carolina except as otherwise provided in this Act.

ARTICLE IV. CITY MANAGER

Sec. 4-1. Appointment. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

Sec. 4-2. Power and Duties. The city manager shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, and keep the council fully advised of the city's financial condition and

its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city.

Sec. 4-3. Appointment and Removal of Officers. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

Sec. 4-4. Control of Officers and Employees. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

ARTICLE V. TAXATION AND FINANCE.

Sec. 5-1. Due Date for Taxes. That all taxes levied by said city council, except license or privilege taxes, shall be due and payable to the city on the first day of October of each year.

Sec. 5-2. Taxing Powers—Generally. The city shall have the power and the city council shall, annually, levy taxes that will raise sufficient funds for the operation and management of the affairs of the city, and shall levy and collect the same in accordance with the provisions of the general laws of the State; and the city shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may be granted the city; provided, that all poll and property taxable within the city shall be listed and valued and all property assessed as provided in the general laws of the State, and the city may levy and collect such privilege and license taxes as may now or hereafter be provided by law or city ordinance.

The city shall have the power to levy, collect and enforce special assessments for improvements in accordance with the general laws of the State. The city council shall have authority to determine the amount and applicability of assessment exemptions for corner lots; provided, that exemptions for corner lots shall apply to only one side of each such lot and the amount of the exemption shall not exceed seventy-five per cent (75%) of the frontage of that side. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 5-3. Same—Liens Created. The ad valorem taxes levied by the city shall constitute a lien upon the personal and real property, as provided by the general laws of the State. The city shall perfect and enforce such liens upon personal and real property under the provisions and procedure which may be outlined and provided for in the general laws of the State.

Sec. 5-4. Preparation of Assessment Lists, Etc. It shall be the duty of the city tax collector to make a full and complete list of all taxable property and all polls subject to taxation in the city as returned by the assessors of the county.

ARTICLE VI. CITY OFFICERS AND EMPLOYEES.

Sec. 6-1. Enumeration—Generally. The city shall have a city clerk, a city tax collector, a city treasurer, and such other officers as the city council may deem necessary to the proper and efficient conduct of the affairs of the city.

Sec. 6-2. City Attorney. There shall be employed by the city council an attorney or a firm of attorneys to act as city attorney, who shall serve at the pleasure of the city council and receive such compensation as shall be fixed by the city council. Nothing in this charter shall prevent the city council from employing additional attorneys for extra or special work and paying for such services an amount to be determined by the city council.

Sec. 6-3. Bonds. Bonds may be required of such officers and employees of the city as the city council may determine or as may be required by State law. When bonds are required, the city shall pay the expense thereof.

Sec. 6-4. Police Jurisdiction. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits. Such jurisdiction is also hereby extended to include all quasi-public property situated within and constituting streets, alleys and parking areas in privately owned shopping centers and other privately owned property operated for public convenience.

ARTICLE VII. PUBLIC IMPROVEMENTS.

Sec. 7-1. Condemnation. The city is vested with all power and authority granted municipalities under the general laws of the State with respect to the acquisition and condemnation of property, property rights, interests, privileges or easements for public use, and provided, that, in the exercise thereof whenever the city agrees with the State Highway Commission to acquire rights of way for one or more street construction or improvement projects forming a part of the State Highway System, the city shall be vested with the same authority to acquire such property, property rights and interest, and to follow the same procedures as is granted to the Highway Commission in Chapter 136 of the General Statutes of North Carolina.

The governing body is authorized to acquire land, property, rights of way, water rights, privileges or easements, either within or outside the city, necessary for the purpose of opening, establishing, building, widening, extending, enlarging, maintaining or operating water, electric lights, power, gas, sewage, drainage systems or other public utilities. If the governing body is unable to agree with the owners for the purchase of the property, property rights or interests herein authorized, condemnation of the same for such public use may be made in the same manner, and under the same procedure, as is granted to the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

ARTICLE VIII. ELECTIONS.

Sec. 8-1. When Held. All regular elections shall be held biennially in the odd years on Tuesday after the first Monday of May. Each regular election for the city shall be held in accordance with this Act and the General Statutes of North Carolina.

Sec. 8-2. Primary Elections Prohibited. There shall be no primary elections hereafter held in the city for the nomination of mayor or members of the city council of said city.

ARTICLE IX. DISPOSAL OF PROPERTY.

Sec. 9-1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the mayor and city council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the council has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars ($2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value;

(c) no sale or exchange of real property authorized by this Section shall be ordered by the mayor and city council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the city a notice of their intention to consider such sale or exchange.

Sec. 9.2. Disposal of Surplus Personal Property. The city council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the council;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the council.

ARTICLE X. EFFECTIVE DATE, REPEAL, ETC.

Sec. 10-1. City Code to Remain in Force, Etc. All provisions of the City Code or other ordinances not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the city council.

Sec. 10-2. Effective Date of Charter; Repeal of Certain Acts, Etc. This charter shall be in full force and effect from and after the ratification of this Act.

All laws and clauses of laws relating to the city in conflict with this charter, including but not limited to Private Laws of 1891, Chapter 280, as amended, being the former charter of the city, are repealed. Said Chapter 280 of the Private Laws of 1891 is hereby superseded.

All existing ordinances and resolutions of the city of Jacksonville, and all existing rules or regulations of departments or agencies of the City of Jacksonville, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

No such repeal shall affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the city be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Jacksonville. No offense committed and no penalties or forfeitures incurred under any of the Acts or ordinances hereby repealed and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of this Act, such provisions may be extended and applied to any judgment to be pronounced after the repeal; provided, that no suit or prosecution pending at the time of the repeal for any offense committed, or for any penalty or forfeiture incurred under any of the Acts or ordinances hereby repealed shall be affected by such repeal; provided, further, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law.

Sec. 10-3. Severability of Charter Provisions. If any clause, sentence, paragraph, subsection, Section or any part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the part thereof directly involved in such judgment. If any part or clause of this charter shall be declared unconstitutional and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 676 CHAPTER 912

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE TOWN OF NORTH WILKESBORO TO CONVEY CERTAIN LANDS TO THE TOWN OF NORTH WILKESBORO.

WHEREAS, the Board of Education of the Town of North Wilkesboro is the owner of a tract of land located in said Town on which is located the Woodlawn School; and

WHEREAS, Woodlawn School has been closed and all students who formerly attended said school now attend North Wilkesboro Elementary School; and

WHEREAS, the Town of North Wilkesboro wishes to establish a public park with recreational facilities on the site of Woodlawn School; and

WHEREAS, the Board of Education of the Town of North Wilkesboro wishes to convey the Woodlawn School property to the Town of North Wilkesboro for public park purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of the Town of North Wilkesboro is hereby authorized and empowered to sell and convey to the Town of North Wilkesboro, without consideration and at private sale, that certain tract or parcel of land lying and being in Wilkes County, within the limits of the Town of North Wilkesboro, known as the Woodlawn School, and more particularly described as follows: "Beginning at the old locust stake at the northeast corner of L and Second Streets and running with the East side of Second Street, North 27 degrees 27 minutes 300 feet to an iron stake, the southeast corner of M and Second Streets; then with the South side of M Street North 62 degrees 33 minutes East 22.5 feet to an iron stake where the South side of the proposed extension of Boston Avenue cuts the South side of M Street. Then with the South side of the Boston Avenue Extension South 77 degrees 33 minutes East 488 feet to an iron stake in South side of Boston Avenue Extension; then South 12 degrees 33 minutes West 204.5 feet to an iron stake; then North 77 degrees 27 minutes West 162.9 feet to an iron stake on the South side of L Street; then North 27 degrees 27 minutes West across the end of L Street to an iron stake southeast corner of Lot 1 in Block 303; then with the North side of L Street South 62 degrees 33 minutes West 140 feet to the beginning and containing two acres. Being Lots 1, 2 and 3 and part of Lots 4 and 5 in Block 303 as shown on Trogdon's Map of the Town of North Wilkesboro, N. C., with enough unlotted land lying to the East of this block to make an area of two acres."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 677 CHAPTER 913

AN ACT TO PERMIT THE CITY OF ROXBORO TO SELL AT PRIVATE SALE CERTAIN SURPLUS REAL ESTATE.

WHEREAS, on July 23, 1966, and again on November 19, 1966, the City of Roxboro offered for sale at public auction in accordance with the law the following described surplus property: City maintenance lot located in the City of Roxboro on the East side of North Main Street just South of the Bullock Lumber Company and North of the Junior Order meeting house. This is property acquired by the city from Helen W. Brooks and

T. Carlyle Brooks on March 14, 1940, by deed of record in Book 49, page 390, of the Person County Register of Deeds. The property is approximately 144 feet wide by 248 feet deep; and

WHEREAS, the high bid received at either sale for the said property was ten thousand dollars ($10,000.00); and

WHEREAS, the said bid was in the opinion of the City Council inadequate and was rejected; and

WHEREAS, the City Council of the City of Roxboro is of the opinion that it can negotiate a private sale at a price acceptable to it: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The City Council of the City of Roxboro is authorized to sell at private sale, for such price as it may see fit in excess of ten thousand dollars ($10,000.00), the above described lands.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification; provided however, this authority shall expire January 1, 1968.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 779 CHAPTER 914

AN ACT TO AMEND CHAPTER 142 OF THE SESSION LAWS OF 1963 RELATING TO DRAINAGE DISTRICTS IN BEAUFORT COUNTY AND ADJOINING COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 142 of the Session Laws of 1963 is hereby amended by striking out the period at the end thereof, inserting a comma in lieu thereof, and adding the following words: "and Beaufort County established drainage districts within the jurisdiction of the Clerk of the Superior Court of Beaufort County and shall be applicable to all territory in such district or districts including any part or parts thereof that may lie outside of Beaufort County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1156 CHAPTER 915

AN ACT TO AMEND SECTION 18 OF THE CHARTER OF THE CITY OF RALEIGH (CHAPTER 1184 OF THE SESSION LAWS OF NORTH CAROLINA, 1949, AS AMENDED) RELATING TO GRANTING OF FRANCHISES.

The General Assembly of North Carolina do enact:

Section 1. That Section 18 of the Charter of the City of Raleigh (Chapter 1184 of the Session Laws of North Carolina, 1949, as amended) be amended to read as follows:

"Section 18. Granting of Franchises.

No franchise initially granted to any public utility regulated by the North Carolina Public Utilities Commission shall be effective until the question has been submitted at a general or special election to the qualified voters of the City and until a majority of those voting on the proposition have voted in favor of granting such franchise. Any renewal of any franchise granted a public utility as hereinbefore defined or the grant of a franchise other than to a public utility company regulated by the North Carolina Public Utilities Commission may be granted in the Council's discretion; provided, however, that any franchise granted without a vote of the people shall be subject to a referendum as provided in Section 24 of Chapter 1184 of the Session Laws of North Carolina, 1949, as amended except that the number of qualified voters required by § 24(b) for purposes of this Section shall be five per cent (5%) rather than ten per cent (10%); and provided further that any franchise which initially requires a vote to become effective shall not be subject to the referendum provided in Section 24 of Chapter 1184 of the Session Laws of North Carolina, 1949, as amended.

In all elections upon the granting of franchises, whether said election is held pursuant to an initial grant or otherwise, the person, persons or corporation applying for said franchise shall deposit with the City Treasurer a sum which in the opinion of the City Council will be sufficient to defray the expenses of such election; provided that no franchise shall be granted for a longer time than 60 years from the date of the granting of such franchise.

Every grant of any franchise or right, as hereinbefore provided, shall make provision, by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant; and when the grant of any franchise or right is made, the City shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation and control, in respect to all matters connected with the police powers of said City; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares and charges to be made if the grant provide for the charging of a rate, fares and charges; provided, that this Act shall not modify any rights, privileges and franchises heretofore legally granted by the City to any person, firm or corporation; and provided further, that any and all rights, privileges and franchises that have been heretofore or that may be hereafter granted to or held by any person, firm or corporation in the streets, alleys, sidewalks, public grounds or places in said City shall, except when such imposition by the City is prohibited by any statute now or hereafter in effect, be subject to a tax by said City in such amount as the City Council may think to be just, separate from and in addition to the other assets of such

person, firm or corporation, and in addition to a license tax; and the City Council may require the rendition and assessment thereof accordingly."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1176 CHAPTER 916

AN ACT TO AMEND CHAPTER 677 OF THE 1947 SESSION LAWS RELATING TO THE ZONING LAWS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 31 of Chapter 677 of the 1947 Session Laws be and the same is hereby amended by deleting the word "thirty" in line 18 of said Section, and substituting in lieu thereof the word "ten".

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall apply to Forsyth County only.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1177 CHAPTER 917

AN ACT AMENDING CHAPTER 224 OF THE 1951 SESSION LAWS RELATING TO THE LETTING OF CONTRACTS BY THE CITY OF WINSTON-SALEM SO AS TO MAKE THE SAME APPLICABLE ALSO TO FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section 4 of Chapter 224 of the 1951 Session Laws be amended by deleting the period at the end thereof and by adding the following: "and, with the exception of Section 2 hereof, to Forsyth County."

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1178 **CHAPTER 918**

AN ACT TO AMEND G. S. 67-12 SO AS TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF FORSYTH COUNTY TO REGULATE DOGS RUNNING AT LARGE AND UNACCOMPANIED BY THE OWNER OR BY SOME MEMBER OF THE OWNER'S FAMILY OR BY SOME OTHER PERSON WITH THE OWNER'S PERMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 67-12 is amended by adding at the end thereof the following:

"The Board of County Commissioners of Forsyth County may, upon making a finding that it is necessary for the protection of the public health and the general welfare of the county to regulate dogs running at large, adopt a resolution making it unlawful for any owner of a dog to allow the dog to run at large unaccompanied by the owner, or by some member of the owner's family, or some other person with the owner's permission, unless the said dog is wearing a muzzle. Any person intentionally, knowingly, and wilfully violating the said resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding 30 days; and shall also be liable in damages to any person injured or suffering loss to his property or chattels.

"Further, the Board of County Commissioners is hereby authorized to adopt a resolution authorizing any law enforcement officer, dog warden, or rabies control officer to pick up any dog found to be in violation of any of the laws of the State of North Carolina or any resolution of the Board of County Commissioners relating to the control of stray or lost dogs running at large unaccompanied by the owner, some member of the owner's family, or some person with the owner's permission, and to impound said dog in a dog pound provided for that purpose. The resolution of the Board of County Commissioners may spell out the procedure to be followed upon such impounding, which shall include a provision giving notice of said impoundment, authorizing the owner of the dog to pick the same up upon payment of fees fixed by the Board of County Commissioners, and providing for the humane destruction of said dog if said dog is not claimed by the owner or by some other person willing to pay the fees and to provide the dog with a proper home."

Sec. 2. This Act is to be deemed to be supplemental and in addition to all other laws relating to the control of dogs. Otherwise, all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall apply to Forsyth County only.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1286 **CHAPTER 919**

AN ACT TO AMEND CHAPTER 334 OF THE SESSION LAWS OF 1963, RELATING TO THE TAX COLLECTOR AND TAX SUPERVISOR IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 334 of the Session Laws of 1963 is hereby amended by inserting a new Section to follow Section 2, to be designated Section 2½, and to read as follows:

"Sec. 2½. Notwithstanding any other provisions of this Act or any other laws, the board of county commissioners of Northampton County may impose the duties and responsibilities of the position of county tax supervisor upon the county tax collector."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1287 **CHAPTER 920**

AN ACT TO INCORPORATE THE TOWN OF COMO IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Incorporation and Corporate Powers. The Town of Como in Hertford County is hereby incorporated and declared to be a body politic under the name and style of "Como", and as such shall have all the rights, powers and privileges conferred upon incorporated cities and towns in North Carolina by the General Statutes of this State.

Sec. 2. Corporate Area. The corporate area of the Town of Como shall consist of all of that area within a one-mile radius of the intersection of U. S. Highway No. 258 and N. C. Road No. 1317 in Hertford County.

Sec. 3. Governing Body. The governing body of the Town of Como shall consist of a mayor and four commissioners, and Guy C. Hill is hereby appointed mayor, and Linwood Whitley, Earl Fitzwater, Joyce C. Brett, and Hugh B. Picot are hereby appointed commissioners. The mayor and members of the board of commissioners appointed herein shall take office on July 1, 1967, and shall serve until their successors are duly elected and qualified as provided for in Section 4 of this Act.

All of the powers of the Town of Como shall be vested in its governing body, and the governing body may appoint such officers and employees as may be authorized pursuant to the North Carolina General Statutes. The mayor shall have a right to vote only in case of a tie deadlocking a decision of the governing body.

Sec. 4. Municipal Elections. The regular municipal election held for the purpose of electing a mayor and members of the board of commissioners in the Town of Como shall be held on Tuesday after the first Monday in May, 1969, and biennially thereafter. All municipal elections shall be conducted in accordance with the general law of the State ap-

plicable to municipal elections. Provided, however, that any qualified elector of the Town of Como may become a candidate for the office of mayor or board of commissioners by filing a written notice of such candidacy with the mayor or other person designated by the board of commissioners not less than 10 days prior to the date of the election, and by the payment of a filing fee, the amount of which shall be fixed by the board of commissioners, not to exceed three dollars ($3.00).

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1333 CHAPTER 921

AN ACT TO FIX THE COMPENSATION OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF EDUCATION OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 936, Session Laws of 1961, as amended by Chapter 568, Session Laws of 1963, is hereby amended by deleting the words and figures "One Hundred Dollars ($100.00)" from line 2, and inserting in lieu thereof the words and figures "One Hundred and Twenty-five Dollars ($125.00)"; and by deleting the words and figures "Eighty Dollars ($80.00)" from line 4, and inserting in lieu thereof the words and figures "One Hundred Dollars ($100.00)".

Sec. 2. Section 2 of Chapter 936, Session Laws of 1961, as amended by Chapter 568, Session Laws of 1963, is hereby amended by rewriting Section 2 to read as follows:

"Sec. 2. The Chairman of the Board of Education of Martin County shall receive the sum of eighty dollars ($80.00) per month, and the members of the Board of Education shall receive the sum of sixty-five dollars ($65.00) per month. The Chairman and members of the Board of Education shall receive a travel allowance of seven cents (7¢) per mile for all necessary travel in the performance of their official duties."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. B. 1334 CHAPTER 922

AN ACT TO AMEND GS 113-111, RELATING TO CLOSED SEASON FOR FOX HUNTING IN CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 113-111 is hereby amended by deleting the word "Martin" in line 4.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

S. B. 175 CHAPTER 923

AN ACT REQUIRING TEST DRILLING OR BORING ON HIGHWAY RIGHTS OF WAY AND PUBLIC LAND TO BE FILED AS PUBLIC RECORDS.

The General Assembly of North Carolina do enact:

Section 1. No person, firm or corporation shall make any test drilling or boring upon the right of way of any road or highway, under the jurisdiction of the State Highway Commission, until written authorization has been obtained from the owner or the person in charge of the land on which the highway easement is located. A complete record showing the results of the test drilling or boring shall be filed forthwith with the Chairman of the State Highway Commission and shall be a public record. This Section shall not apply to the State Highway Commission making test drilling or boring for highway purposes only.

Sec. 2. Any person, firm or corporation making any test drilling or boring upon any public land, owned or controlled by the State of North Carolina shall, forthwith after completion, file a complete record of the results of the test drilling or boring with the Director of the Department of Administration and with the Director of the Department of Conservation and Development, of each test hole bored or drilled. Such records filed shall become a matter of public record. Provided, that after exploratory drilling and boring has been completed, and a lease or contract has been executed for operation, production or development of the area, the results of test drillings or borings made incidental to the operation, production or development of the area under lease or contract shall not be subject to the provisions of this Act unless otherwise provided in such lease or contract.

Sec. 3. Violation of this Act shall be a misdemeanor, punishable in the discretion of the court.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 222 CHAPTER 924

AN ACT TO AMEND G. S. 89-14 RELATING TO LAND SURVEYORS SO AS TO AMEND SAID ACT AS IT PERTAINS TO WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 89-14, as the same appears in the 1965 Replacement Volume 2C, is hereby amended as follows:

(a) By striking from line 1 thereof, the figure "1960" and substituting in lieu thereof "1968".

(b) By striking from line 6 thereof, the period following the word "year" and by substituting in lieu thereof the following: ", and submit a recommendation or request for his certification signed by a majority of the practicing attorneys in Wilkes County who handle legal matters requiring surveys, provided however, that the certificate shall be valid only until July 1, 1968."

(c) Any persons licensed under this Act shall be restricted to the practice of surveying in Wilkes County.

Sec. 2. This Act shall apply only to Wilkes County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 369 CHAPTER 925

AN ACT TO AMEND G. S. 89-14 RELATING TO LAND SURVEYORS AS IT APPLIES TO STANLY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 89-14, as the same appears in Replacement Volume 2C of the General Statutes of North Carolina (1965), is hereby amended as follows:

(a) By striking from line 1 thereof the figures "1960" and substituting therefor the figures "1967", and by striking therefrom the word "new".

(b) By striking from line 6 thereof the period following the word "year" and substituting therefor the following: ", and submit a recommendation or request for his certification signed by a majority of the practicing attorneys in his county who handle legal matters requiring surveys."

(c) Any person licensed under this Act shall be restricted to the practice of surveying to Stanly County.

Sec. 2. This Act shall apply only to Stanly County.

Sec. 3. All laws and clauses of laws in conflict with this Act insofar as they apply to Stanly County are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 405

CHAPTER 926

AN ACT TO AMEND CHAPTER 48 OF THE GENERAL STATUTES TO SPECIFY ADDITIONAL EFFECTS OF GIVING A SURRENDER AND CONSENT FOR ADOPTION TO A DIRECTOR OF PUBLIC WELFARE OR A LICENSED CHILD-PLACING AGENCY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 48 of the General Statutes is hereby amended by adding a new Section therein to be numbered 48-9.1 and to read as follows:

"§ 48-9.1. Additional effects of surrender and consent given to director of public welfare or to licensed child-placing agency; custody of child; disposition of certain unadoptable children. The legal effects of written surrender and general consent to adoption given to and accepted by a director of public welfare or a licensed child-placing agency in accordance with G. S. 48-9 (a) (1) shall be as follows:

"(1) The county department of public welfare which the director represents, or the child-placing agency, to whom surrender and consent has been given, shall have legal custody of the child and the rights of the consenting parties, except inheritance rights, until entry of the interlocutory decree provided for in G. S. 48-17, or until the final order of adoption is entered if the interlocutory decree is waived by the court in accordance with G. S. 48-21, or until consent is revoked within the time permitted by law, or unless otherwise ordered by a court of competent jurisdiction. A county department of public welfare having custody of the child shall pay the costs of the care of the child prior to placement for adoption.

"(2) Upon receipt of written notice from a county department of public welfare or duly licensed adoption agency which has accepted surrender, release and consent to adoption, that a child is unadoptable for physical, mental, or other causes, the county department of public welfare of the child's legal settlement at the time of the child's birth shall assume custody and full responsibility for the care of the child and shall acknowledge acceptance of custody and responsibility in writing to the notifying agency. Certified copies of the notice and acceptance shall be filed by the county department of public welfare with the State Department of Public Welfare. Such transfer of custody of the child shall be accompanied by the surrender, release and consent and the county department of public welfare shall thereafter have the same authority to place the child and give consent for his adoption as given to the original agency. In the event of controversy as to the county of the child's legal settlement at the time of his birth, any court assuming jurisdiction over the controversy shall determine which county department of public welfare shall be responsible for the care and custody of the child in accordance with the provisions of G. S. 110-29 (3). The county of the child's settlement at the time of his birth shall be deemed the county of residence of the child for the purpose of making appropriate disposition of the child under G. S. 110-29 (3). If the court shall award custody of the child to a county department of public welfare, the court shall order the child-placing agency to deliver the surrender and consent in its possession to the county department of

public welfare to which custody of the child has been given. The county department of public welfare, upon receiving custody of the child and the surrender and consent, shall have authority to give consent to the adoption of the child as in the case of surrender and consent given initially to a director of public welfare. The agency or director of public welfare having the surrender, release and consent and the custody of the child may make mutually voluntary placement of the child with one or more of those who surrendered the child, as to the agency or director may seem in the best interest of the child and the parties to the surrender, provided the placement is approved by a court of competent jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 410 **CHAPTER 927**

AN ACT TO REWRITE GS 6-21.1, RELATING TO COUNSEL FEES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 6-21.1, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby rewritten to read as follows:

"§ 6-21.1. Allowance of Counsel Fees as Part of Costs in Certain Cases. In any personal injury or property damage suit, or suit against an insurance company under a policy issued by the defendant insurance company and in which the insured or beneficiary is the plaintiff, upon a finding by the court that there was an unwarranted refusal by the defendant insurance company to pay the claim which constitutes the basis of such suit, instituted in a court of record, where the judgment for recovery of damages is one thousand dollars ($1,000.00) or less, the presiding judge may, in his discretion, allow a reasonable attorney fee to the duly licensed attorney representing the litigant obtaining a judgment for damages in said suit, said attorney's fee to be taxed as a part of the court costs."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 412 **CHAPTER 928**

AN ACT TO AMEND CHAPTER 8 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROVIDE AN ADDITIONAL RULE OF EVIDENCE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 8 of the General Statutes is hereby amended by adding thereto a new Article immediately following Article 4A, to be designated as Article 4B, and to read as follows:

"ARTICLE 4B

Evidence of Fraud, Duress, Undue Influence.

"Section 8-45.5. Statements, Releases, et cetera, Obtained from Persons in Shock or Under the Influence of Drugs; Fraud Presumed. Any oral or written statement, waiver, release, receipt, or other representation of any kind by any person made or executed while a patient in any hospital and taken by any person in connection with any type of insurance coverage on or for the benefit of said patient which shall have been taken while such patient was in shock or appreciably under the influence of any drug, including drugs given primarily for sedation, shall be deemed to have been obtained by means of fraud, duress or undue influence on the part of the person or persons taking same, and the same shall be incompetent and inadmissible in evidence to prove or disprove any fact or circumstance relating to any claim for which any insurance company may be liable under any policy of insurance issued to, or which may indemnify or provide coverage or protection for the person making or executing any such statement or other instrument while a patient in a hospital, nor may any such person making or executing the same be examined or cross-examined in regard thereto."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 414 CHAPTER 929

AN ACT TO AMEND PART 1 OF ARTICLE 36 OF SUBCHAPTER VI OF CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA, RELATING TO THE EXTENSION OF CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-445 is hereby amended by adding a proviso at the end of the first sentence, to read as follows: "Provided, that it shall be essential and necessary to the validity of any ordinance extending the corporate limits of any municipality by annexation, pursuant to this Section, to actually hold a public hearing pursuant to the notice herein required, and that a statement by or on behalf of the municipal governing body, of the purpose or reasons for the proposed extension of the corporate limits be made at the beginning of the public hearing, and that reasonable opportunity to be heard be given any who attend such public hearing with regard thereto. The public notice shall (1) fix the date, hour and place of the public hearing, and (2) describe clearly the boundaries of the area under consideration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 425 CHAPTER 930

AN ACT TO PRESCRIBE RULES OF EVIDENCE IN PROCEEDINGS BEFORE STATE ADMINISTRATIVE AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143 of the General Statutes is amended by adding thereto a new Article which shall be designated "Article 33A" and shall read as follows:

"Article 33A

Rules of Evidence in Administrative Proceedings

Before State Agencies

§ 143-317. Definitions. As used in this Article,

(1) 'Administrative agency' means any State authority, board, bureau, commission, committee, department, or officer authorized by law to make administrative decisions, except those agencies in the legislative and judicial departments of government, the North Carolina Utilities Commission, the North Carolina Industrial Commission, the Employment Security Commission of North Carolina, and the institutions and agencies that operate pursuant to Chapters 115, 115A, and 116 of the General Statutes.

(2) 'Proceeding' shall mean any proceeding, by whatever named called, before an administrative agency of the State, wherein the legal rights, duties, or privileges of specific parties are required by law or by constitutional right to be determined after an opportunity for agency hearing.

(3) 'Party' means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

§ 143-318. Rules of Evidence Official Notice. In all proceedings.

(1) Incompetent, irrelevant, immaterial, unduly repetitious, and hearsay evidence shall be excluded. The rules of evidence as applied in the Superior and District Court Divisions of the General Court of Justice shall be followed.

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 440 CHAPTER 931

AN ACT TO AMEND G.S. 66-67 RELATIVE TO THE DISPOSITION BY LAUNDRIES AND DRY CLEANING ESTABLISHMENTS OF UNCLAIMED CLOTHING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 66-67 (1965 Replacement Volume) is hereby amended by:

(a) striking out in lines 5 and 6 the words "four months" and inserting in lieu thereof the words "sixty days".

(b) striking out in line 12 the words and figures "12 by 18" and inserting in lieu thereof the words and figures "8½ by 11".

(c) striking out in line 16 the words "four months" and inserting in lieu thereof the words "sixty days".

(d) striking out in line 18 the words and figures "seventy-five dollars ($75.00)" and by inserting in lieu thereof the words and figures "one hundred and fifty dollars ($150.00)".

(e) inserting between the words "registered" and "mail" in line 21 the words "or certified".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 441 CHAPTER 932

AN ACT AMENDING THE URBAN REDEVELOPMENT LAW SO AS TO CLARIFY AND IMPROVE CONDEMNATION PROCEDURES, AND TO AUTHORIZE PAYMENT OF COMPENSATION OF REDEVELOPMENT COMMISSION MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. Section 160-464 of the General Statutes is amended by rewriting lines 1 and 2 of subdivision (e)(4) of said Section, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D, to read as follows:

"(4) After a public hearing advertised in accordance with the provisions of § 160-463(e), and subject to the approval of the gov-".

Sec. 2. Section 160-465 of the General Statutes is amended by inserting the following new subdivision (1); by renumbering the existing subdivisions (1), (2), (3), and (4) as (2), (3), (4), and (5); and by making

corresponding changes in line 45 of said Section as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D.

"(1) Upon the request in writing of any party to the proceeding submitted as part of the Petition or of any answer thereto, the Clerk of Superior Court shall order and preside over a formal hearing before the commissioners of appraisal at the time of their first meeting. At such hearing any party or his attorney shall be afforded an opportunity to present such competent evidence as he may choose relating to the value of the property in question."

Sec. 3. Section 160-465 of the General Statutes is amended by adding the following sentence at the end of the renumbered subdivision (2) of such Section, which appears as subdivision (1) in the 1965 Supplement to the 1964 Replacement Volume 3D.

"Payment into court of this amount shall not prejudice the right of the commission to take an appeal as to the amount of compensation payable for the property."

Sec. 4. Section 160-459 of the General Statutes is amended by deleting the words "no compensation" in line 7 of said Section and substituting the words "such compensation, if any, as the municipal governing board may provide" and by substituting the word "and" for the word "but" in said line.

Sec. 5. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor of any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 465

CHAPTER 933

AN ACT TO GRANT LIMITED REGULATORY AUTHORITY TO THE NORTH CAROLINA BOARD OF WATER RESOURCES REGARDING THE USE OF WATER AND FOR RELATED PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the Water Use Act of 1967.

Sec. 2. Declaration of Purpose. It is hereby declared that the general welfare and public interest require that the water resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation in order to conserve these resources and to provide and maintain conditions which are conducive to the development and use of water resources.

Sec. 3. Declaration of Capacity Use Areas. (a) The Board may declare and delineate from time to time, and may modify, capacity use areas of the State where it finds that the use of ground water or surface water

or both require coordination and limited regulation for protection of the interests and rights of residents or property owners of such areas or of the public interest.

(b) Within the meaning of this Act "a capacity use area" is one where the Board finds that the aggregate uses of ground water or surface water, or both, in or affecting said area (1) have developed or threatened to develop to a degree which requires coordination and regulation, or (2) exceed or threaten to exceed, or otherwise threaten or impair, the renewal or replenishment of such waters or any part of them.

(c) The Board may declare and delineate capacity use areas in accordance with the following procedures:

(1) Whenever the Board believes that a capacity use situation exists or may be emerging in any area of the State, it may direct the Department to investigate and report to the Board thereon.

(2) In conducting its investigation the Department shall consult with all interested persons, groups and agencies; may retain consultants; and shall consider all factors relevant to the conservation and use of water in the area, including established or pending water classifications under the Stream Sanitation law and the criteria for such classifications. Following its investigation the Department shall render a written report to the Board. This report shall include the Department's findings and recommendations as to whether the water use problems of the area involve surface waters, ground waters or both; whether effective measures can be employed limited to surface water or to ground water; and whether timely action by any agency or person may preclude the need for additional regulation at that time. The report shall also include such other findings and recommendations as the Department deems appropriate, including recommended boundaries for any capacity use area that may be proposed.

(3) If the Board finds, following its review of the departmental report (or thereafter following its evaluation of measures taken falling short of regulation) that a capacity use area should be declared, it may adopt an order declaring said capacity use area. Prior to adopting such an order the Board shall give notice of its proposed action and shall conduct one or more public hearings with respect to such proposed action.

(4) Such notice shall be given not less than 30 days before the date of such hearing and shall state the date, time, and place of hearing, the subject of the hearing, and the action which the Board proposes to take. The notice shall either include details of such proposed action, or where such proposed action is too lengthy for publication the notice shall specify that copies of such detailed proposed action shall be obtained on request from the office of the Board in sufficient quantity to satisfy the requests of all interested persons.

(5) Any such notice shall be published at least once in one newspaper of general circulation circulated in each county of the State in which the water area affected is located, and a copy of such notice shall be mailed to each person on the mailing list required to be kept by the Board pursuant to the provisions of Section 5 of this Act.

(6) Any person who desires to be heard at any such public hearing shall give notice thereof in writing to the Board on or before the first

date set for the hearing. The Board is authorized to set reasonable time limits for the oral presentation of views by any one person at any such public hearing. The Board shall permit anyone who so desires to file a written argument or other statement with the Board in relation to any proposed action of the Board any time within 30 days following the conclusion of any public hearing or within any such additional time as the Board may allow by notice given as prescribed in this Section.

(7) Upon completion of hearings and consideration of submitted evidence and arguments with respect to any proposed action by the Board pursuant to this paragraph, the Board shall adopt its final action with respect thereto and shall publish such final action as part of its official regulations. The Board is empowered to modify or revoke from time to time any final action previously taken by it pursuant to the provisions of this Section, any such modification or revocation, however, to be subject to the procedural requirements of this Act, including notice and hearing. If the Board finds and orders that a capacity use area shall be declared, its order shall include a delineation of the boundary of said area, and the Board shall instruct the Director of the Department to prepare proposed regulations consistent with the provisions of this Act and commensurate with the degree of control needed from among the classes of permissible regulations set forth in Section 4.

Sec. 4. Regulations Within Capacity Use Areas: Scope and Procedures. (a) Following the declaration of a capacity use area by the Board, it shall prepare proposed regulations to be applied in said area, containing such of the following provisions as the Board finds appropriate concerning the use of surface waters or ground waters or both:

(1) Provisions requiring water users within the area to submit reports not more frequently than at 30-day intervals concerning quantity of water used or withdrawn, sources of water and the nature of the use thereof.

(2) With respect to surface waters, ground waters, or both: provisions concerning the timing of withdrawals; provisions to protect against or abate salt water encroachment; provisions to protect against or abate unreasonable adverse effects on other water users within the area, including but not limited to adverse effects on public use.

(3) With respect to ground waters: provisions concerning well spacing controls; and provisions establishing a range of prescribed pumping levels (elevations below which water may not be pumped) or maximum pumping rates, or both, in wells or for the aquifer or for any part thereof based on the capacities and characteristics of the aquifer.

(4) Such other provisions not inconsistent with this Act as the Board finds necessary to implement the purposes of this Act.

(b) The Board shall conduct one or more hearings upon the proposed regulations, upon notice, in accordance with the requirements of paragraphs (4) - (6) of Section 3 (c) of this Act. Upon completion of the hearings and consideration of submitted evidence and arguments with respect to any proposed regulation, the Board shall adopt its final action with respect thereto, and shall publish such final action as part of its official regulations. The Board is empowered to modify or revoke from

time to time any final action previously taken by it pursuant to the provisions of this Section, any such modifications or revocations, however, to be subject to the procedural requirements of this Act, including notice and hearing.

Sec. 5. Permits for Water Use Within Capacity Use Areas: Procedures. (a) In areas declared by the Board to be capacity use areas no person shall (after the expiration of such period, not in excess of six months, as the Board may designate) withdraw, obtain, or utilize surface waters or ground waters or both, as the case may be, in excess of 100,000 gallons per day for any purpose unless such person shall first obtain a permit therefor from the Board.

(b) When sufficient evidence is provided by the applicant that the water withdrawn or used from a stream or the ground is not consumptively used, a permit therefor shall be issued by the Board without a hearing and without the conditions provided in subsection (c) of this Section. Applications for such permits shall set forth such facts as the Board shall deem necessary to enable it to establish and maintain adequate records of all water uses within the capacity use area.

(c) In all cases in which sufficient evidence of a non-consumptive use is not presented the Board shall notify each person required by this Act to secure a permit of the Board's proposed action concerning such permit, and shall transmit with such notice a copy of any permit it proposes to issue to such persons, which permit will become final unless a request for a hearing is made within 15 days from the date of service of such notice. The Board shall have the power: (1) to grant such permit with conditions as the Board deems necessary to implement the regulations adopted pursuant to Section 4 of the Act; (2) to grant any temporary permit for such period of time as the Board shall specify where conditions make such temporary permit essential, even though the action allowed by such permit may not be consistent with the Board's regulations applicable to such capacity use area; (3) to modify or revoke any permit upon not less than 60 days' written notice to any person affected; and (4) to deny such permit if the application therefor or the effect of the water use proposed or described therein upon the water resources of the area is found to be contrary to public interest. Any water user wishing to contest the proposed action shall be entitled to a hearing upon request therefor.

(d) In any proceeding pursuant to this Section or Section 6 the Board shall give notice with respect to all steps of the proceeding only to each person directly affected by such proceeding who shall be made a party thereto. In all proceedings pursuant to Sections 3 or 4 the Board shall give notice as provided by these Sections, and it shall also give notice of all its official acts (such as the adoption of regulations or rules of procedure) which have, or are intended to have, general application and effect, to all persons on its mailing list on the date when such action is taken. It shall be the duty of the Board to keep such a mailing list on which it shall record the name and address of each person who requests listing thereon, together with the date of receipt of such request. Any person may, by written request to the Board ask to be permanently recorded on such mailing list.

(e) All notices which are required to be given by the Board or by any party to a proceeding shall be given by registered or certified mail to all persons entitled thereto, including the Board. The date of receipt or refusal for such registered or certified mail shall be the date when such notice is deemed to have been given. Notice by the Board may be given to any person upon whom a summons may be served in accordance with the provisions of law covering civil actions in the Superior Courts of this State. The Board may prescribe the form and content of any particular notice.

(f) The following provisions shall be applicable in connection with hearings pursuant to this Act:

(1) Any hearing held pursuant to this Section or Section 6, whether called at the instance of the Board or of any person, shall be held upon not less than 30 days' written notice given by the Board to any person who is a party to the proceedings with respect to which such hearing is to be held, unless a shorter notice is agreed upon by all such parties.

(2) All hearings under this Act shall be before the Board, or before one or more of its own members or before one or more of its own qualified employees, and shall be open to the public. Any member or employee of the Board to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Board for decision.

(3) A full and complete record of all proceedings at any hearing under this Act shall be taken by a reporter appointed by the Board or by other method approved by the Attorney General. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the Board.

(4) The Board and its duly authorized agents shall follow generally the procedures applicable in civil actions in the Superior Court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

(5) The Board, or the duly authorized agent of such Board, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of books, papers, and other documents belonging to the said person.

(6) Subpoenas issued by the Board, in connection with any hearing under this Act shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be prescribed in connection with subpoenas to the same extent as if issued by a court of record. In case of a refusal to obey a subpoena issued by the Board, application may be made to the Superior Court of the appropriate county for enforcement thereof.

(7) The burden of proof at any hearing under this Act shall be upon the person or the Board, as the case may be, at whose instance the hearing is being held.

(8) No decision or order of the Board shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.

(9) Following any hearing, the Board shall afford the parties thereto a reasonable opportunity to submit within 30 days or within such additional time as prescribed by the Board, proposed findings of fact and conclusions of law and any brief in connection therewith.

(10) All orders and decisions of the Board shall set forth separately the Board's findings of fact and conclusions of law and shall, wherever necessary, cite the appropriate provision of law or other source of authority on which any action or decision of the Board is based.

(11) The Board shall have the authority to adopt a seal which shall be the seal of said Board and which shall be judicially noticed by the courts of the State. Any document, proceeding, order, decree, special order, rule, regulation, rule of procedure or any other official act or records of the Board or its minutes may be certified by the Director or Assistant Director of the Department under his hand and the seal of the Board and when so certified shall be received in evidence in all actions or proceedings in the courts of the State without further proof of the identity of the same if such records are competent, relevant and material in any such action or proceeding. The Board shall have the right to take judicial notice of all studies, reports, statistical data or any other official reports or records of the federal government or of any sister state and all such records, reports and data may be placed in evidence by the Board or by any other person or interested party where material, relevant and competent.

(g) Any person against whom any final order or decision has been made except where no appeal is allowed as provided by Section 143-215.2(j) shall have a right of appeal to the Superior Court of Wake County or of the county where the order or decision is effective within 30 days after such order or decision has become final. Upon such appeal the Board shall send a certified transcript of all testimony and exhibits introduced before the Board, the order or decision, and the notice of appeal to the Superior Court. The matter on appeal shall be heard and determined de novo on the transcript certified to the court and any evidence or additional evidence as shall be competent under rules of evidence then applicable to trials in the Superior Court without a jury upon any question of fact; provided, the court shall allow any party to introduce evidence or additional evidence upon any question of fact. At the conclusion of the hearing, the judge shall make findings of fact and enter his decision thereto. Appeals from the judgment and orders of the Superior Court shall lie to the Supreme Court. No bond shall be required of the Board to the Supreme Court.

(1) Upon appeal filed by any party, the Board shall forthwith furnish each party to the proceeding with a copy of the certified transcript and exhibits filed with the Board. A reasonable charge shall be paid the Board for said copies.

(2) Within 15 days after receipt of copy of certified transcript and exhibits, any party may file with the court exceptions to the accuracy or omissions of any evidence or exhibits included in or excluded from said transcript.

(h) In adopting any regulations pursuant to the provisions of Section 4 of this Act, and in considering permit applications, revocations or modifications under this Section, the Board shall consider:

(1) the number of persons using an aquifer or stream and the object, extent and necessity of their respective withdrawals or uses;

(2) the nature and size of the stream or aquifer;

(3) the physical and chemical nature of any impairment of the aquifer or stream, adversely affecting its availability or fitness for other water uses (including public use);

(4) the probable severity and duration of such impairment under foreseeable conditions;

(5) the injury to public health, safety or welfare which would result if such impairment were not prevented or abated;

(6) the kinds of businesses or activities to which the various uses are related;

(7) the importance and necessity of the uses claimed by permit applicants (under this Section), or of the water uses of the area (under Section 4), and the extent of any injury or detriment caused or expected to be caused to other water uses (including public use);

(8) diversion from or reduction of flows in other water courses or aquifers; and

(9) any other relevant factors.

Sec. 6. Permits for Water Use Within Capacity Use Areas: Duration, Transfer, Reporting, Measurement, Present Use, Fees and Penalties. No permit under Section 5 shall be issued for a longer period than the longest of the following: (i) 10 years, or (ii) the duration of the existence of a capacity use area, or (iii) the period found by the Board to be necessary for reasonable amortization of the applicant's water withdrawal and water using facilities. Permits may be renewed following their expiration upon compliance with the provisions of Section 5 of this Act.

(b) Permits shall not be transferred except with the approval of the Board.

(c) Every person in a capacity use area who is required by this Act to secure a permit shall file with the Board in the manner prescribed by the Board a certified statement of quantities of water used and withdrawn, sources of water, and the nature of the use thereof not more frequently than 30-day intervals. Such statements shall be filed on forms furnished by the Board within 90 days after the adoption of an order by the Board declaring a capacity use area. Water users in a capacity use area not required to secure a permit shall comply with procedures established to protect and manage the water resources of the area. Such procedures shall be adapted to the specific needs of the area, shall be within the provisions of this and other North Carolina water resource Acts, and shall be adopted after public hearing in the area. The requirements embodied in the two preceding sentences shall not apply to individual domestic water use.

(d) If any person who is required to secure a permit under this Act is unable to furnish accurate information concerning amounts of water being withdrawn or used, or if there is evidence that his certified statement is false or inaccurate or that he is withdrawing or using a larger quantity of water or under different conditions than has been authorized by the Board, the Board shall have the authority to require such person to install water meters, or some other more economical means for measuring water use acceptable to the Board. In determining the amount of water being

withdrawn or used by a permit holder or applicant the Board may use the rated capacity of his pumps, the rated capacity of his cooling system, data furnished by the applicant, or the standards or methods employed by the U. S. Geological Survey in determining such quantities or by any other accepted method.

(e) In any case where a permit applicant can prove to the Board's satisfaction that the applicant was withdrawing or using water prior to the date of declaration of a capacity use area, the Board shall take into consideration the extent to which such prior use or withdrawal was reasonably necessary in the judgment of the Board to meet its needs, and shall grant a permit which shall meet those reasonable needs. Provided, however, that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(f) The Board shall also take into consideration in the granting of any permit the prior investments of any person in lands, and plans for the usage of water in connection with such lands which plans have been submitted to the Board within a reasonable time after the effective date of this Act. Provided, however, that the granting of such permit shall not have unreasonably adverse effects upon other water uses in the area, including public use, and including potential as well as present use.

(g) It is the intention of the General Assembly that if the provisions of subsection (e) or subsection (f) of this Section are held invalid as a grant of an exclusive or separate emolument or privilege, within the meaning of Article 1, Section 7 of the North Carolina Constitution, the remainder of this Act shall be given effect without the invalid provision or provisions.

(h) Pending the issuance or denial of a permit pursuant to subsection (e) or (f) of this Section, the applicant may continue the same withdrawal or use which existed prior to the date of declaration of the capacity use area.

Sec. 7. Violations. (a) Penalties for violations. Any person who shall be adjudged to have violated any provision of this Act shall be guilty of a misdemeanor and shall be liable to a penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation. In addition, if any person is adjudged to have committed such violation wilfully, the court may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty.

(b) In addition, upon violation of any of the provisions of this Act, or the regulations of the Board hereunder, the Director of the Department may, either before or after the institution of proceedings for the collection of the penalty imposed by this Act for such violation, institute a civil action in the Superior Court in the name of the State upon relation of the Director of the Department for injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Act for any violation of the same.

Sec. 8. Map or Description of Boundaries of Capacity Use Areas. (a) The Board in designating and the Department in recommending the boundaries of any capacity use area may define such boundaries by showing them on a map or drawings, by a written description, or by any combination thereof, to be designated appropriately and filed permanently with the Department. Alterations in these lines shall be indicated by appropriate entries upon or additions to such map or description. Such entries shall be made under the direction of the Director of the Department. Photographic, typed or other copies of such map or description, certified by the Director, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description. If the boundaries are changed pursuant to other provisions of this Act, the Department may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or all maps which it is designated to replace.

(b) The Department shall file with the Secretary of State a certified copy of the map, drawings, description or combination thereof, showing the boundaries of any capacity use area designated by the Board; and a certified copy of any redrawn or altered map or drawing, and of any amendments or additions to written descriptions, showing alterations to said boundaries. The filings required by this subsection shall constitute compliance with the requirements of Article 18 of Chapter 143 of the General Statutes.

Sec. 9. Rights of Investigation, Entry, Access and Inspection. The Board shall have the right to conduct such investigations as may reasonably be necessary to carry out its duties prescribed in this Act, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition, withdrawal or use of any waters, investigating water sources, or investigating the installation or operation of any well or surface water withdrawal or use facility, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the installation or operation of any well or surface water withdrawal or use facility; provided, that no person shall be required to disclose any secret formula, processes or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Board who requests entry for purposes of a lawful inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties consistent with the provisions of this Act.

Sec. 10. Rules and Regulations. The Board may adopt and modify from time to time rules and regulations consistent with the provisions of this Act to implement the provisions of this Act. All such rules and regulations, and modifications thereof, shall be filed with the Secretary of State as required by Article 18 of Chapter 143 of the General Statutes.

Sec. 11. Definitions. Unless the context otherwise requires, the following terms as used in this Act are defined as follows:

(1) "Department" means the Department of Water Resources, or its successor.

(2) "Board" means the Board of Water Resources or its successor.

(3) "Person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this State or any other state or country.

(4) "Waters" shall mean any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway or any other body or accumulation of water, surface or underground, public or private, natural or artificial, which is contained within, flows through, or borders upon this State or any portion thereof, including those portions of the Atlantic Ocean over which this State has jurisdiction.

(5) "Area of the State" means any municipality or county or portion thereof or other substantial geographical area of the State as may be designated by the Board.

(6) "Consumptive use" means any use of water withdrawn from a stream or the ground other than a "non-consumptive use", as defined in this Act.

(7) "Non-consumptive use" means (a) the use of water withdrawn from a stream in such a manner that it is returned to the stream without substantial diminution in quantity at or near the point from which it was taken; or, if the user owns both sides of the stream at the point of withdrawal, the water is returned to the stream upstream of the next property below the point of diversion on either side of the stream; (b) the use of water withdrawn from a ground water system or aquifer in such a manner that it is returned to the ground water system or aquifer from which it was withdrawn without substantial diminution in quantity or substantial impairment in quality at or near the point from which it was withdrawn; (c) provided, however, that (in determining whether a use of ground water is nonconsumptive) the Board may take into consideration whether any material injury or detriment to other water users of the area by reason of reduction of water pressure in the aquifer or system has not been adequately compensated by the permit applicant who caused or substantially contributed to such injury or detriment.

Sec. 12. Law of Riparian Rights Not Changed. Nothing contained in this Act shall change or modify existing common or statutory law with respect to the relative rights of riparian owners concerning the use of surface water in this State.

Sec. 13. Codification. The various Sections of this Act shall be given appropriate numbers and codified by the Attorney General in Article 21 of Chapter 143 of the General Statutes of North Carolina. In the event that the 1967 General Assembly enacts more than one law concerning water resources, which several laws contain identical or substantially identical provisions concerning any matter—including without limitation, notice and hearing provisions, definitions and penalties—the Attorney General in codifying said laws is authorized in each such instance to combine said duplicating provisions in a single Section, subsection or paragraph, as may be appropriate.

Sec. 14. Severability. If any provision of this Act or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are declared to be severable.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. Effective Date. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 476 CHAPTER 934

AN ACT TO PROVIDE FOR THE PURCHASE OF AUTOMOBILE INSURANCE BY MINORS AND TO PROVIDE THAT SUCH PURCHASE SHALL BE AS BINDING AS IF SAID MINOR HAD ATTAINED THE AGE OF TWENTY-ONE YEARS.

The General Assembly of North Carolina do enact:

Section 1. Article 13 of Chapter 20 of the General Statutes of North Carolina is hereby amended by adding a new Section at the end thereof to be designated as Section 20-309.1, and to read as follows:

"§ 20-309.1. Any minor 18 years of age or over shall be competent to contract for automobile insurance of any kind, to enter into an agreement to finance such insurance, to execute a power of attorney in connection with such financing, and also to execute a power of attorney in connection with an application for insurance with the Assigned Risk Plan, to the same extent and with the same effect as though he had attained the age of 21 years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 515 CHAPTER 935

AN ACT TO PROHIBIT DOMESTIC INSURERS FROM TRANSACTING INSURANCE BUSINESS IN STATES AND JURISDICTIONS WHERE THEY ARE NOT AUTHORIZED TO DO A BUSINESS OF INSURANCE AND PRESCRIBING PENALTIES FOR VIOLATION OF PROHIBITED ACT AND TRANSACTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding after Article 3C a new Article to be designated as Article 3D and to read as follows:

"ARTICLE 3D

"UNAUTHORIZED INSURANCE BY DOMESTIC COMPANIES

"§ 58-54.26. Purpose of Act. It is the purpose of this Act to effectively control and regulate the activities of domestic insurance companies so as to prevent them from engaging in and transacting insurance business in states and jurisdictions in which they are not authorized to do a business of insurance. The General Assembly recognizes that insofar as domestic companies of this State engage in transacting insurance business in states and jurisdictions in which they are not authorized to do business that such activity subjects the domestic companies of this State to the penalties for such unlawful activities in other states and jurisdictions, and that such activities tend to substantially impair the effectiveness of the domestic companies in this State. The General Assembly also recognizes that the practices of unauthorized insurers could be largely corrected if each state would effectively regulate the activities of its domestic companies. The provisions of this Act are in addition to all other statutory provisions designed to control the activities of domestic companies and nothing herein shall be construed to amend, modify or repeal the provisions of existing laws.

"§ 58-54.27. Domestic Insurers Prohibited From Transacting Business in Foreign States Without Authorization; Exceptions. Except as hereinafter provided, no domestic insurer organized under the laws of this State shall transact or attempt to transact or solicit business in any manner or accept risks in any jurisdiction in which such insurer is not licensed in accordance with the laws of such jurisdiction. There is excepted from the terms of this Section the following acts and transactions:

(a) Contracts entered into by a domestic company insuring a risk within a foreign state or jurisdiction, where the law of the foreign state or jurisdiction permits an unauthorized insurer to so contract;

(b) Contracts entered into where the prospective insured is personally present in the state in which the insurer is authorized to transact business when he signs the application;

(c) Contracts of reinsurance between a licensed insurer of the foreign state or jurisdiction and a domestic company;

(d) The issuance of certificates under a lawfully transacted group life or group disability policy, where the master policy was entered into in a state in which the insurer was then authorized to transact business;

(e) The renewal or continuance in force, with or without modification, of contracts otherwise lawful and which were not originally executed in violation of this Section.

"§ 58-54.28. Domestic Insurers; Advertising; Exceptions. No domestic insurer shall knowingly solicit or advertise its insurance business in a state or jurisdiction in which it is not licensed as an authorized insurer. Provided, however, that this Section shall not prohibit a domestic insurer from advertising through publications, radio or television if such advertising is not expressly directed toward the residents or subjects of insurance in a foreign state or other jurisdiction. Nor shall this Section apply to trade journals or directories.

"§ 58-54.29. Penalties Provided for Unauthorized Acts. Whenever any domestic insurer shall knowingly engage in the practice of soliciting, advertising or making contracts for insurance in states or jurisdictions in which it is not licensed, the North Carolina Insurance Commissioner shall be authorized, as hereinafter provided, to issue an order requiring such company to cease and desist from engaging in such activities and, for the purposes of this Section, the acts prohibited by G. S. 58-54.28 and the foregoing Sections, are declared to be an unfair trade practice within the meaning of G. S. 58-54.4 and G. S. 58-54.9. Provided; whenever the Commissioner shall have reason to believe that any domestic company has been engaged or is engaging in the practice of knowingly soliciting, advertising or writing contracts of insurance on risks within a state or jurisdiction in which it is not licensed, he shall proceed to serve such company with notice of hearing and the hearing shall in all respects conform with the hearing procedure set forth in G. S. 58-54.6. Any action taken by the Commissioner of Insurance after such hearing shall be in compliance with G. S. 58-54.7, and any company aggrieved by an order of the Commissioner shall be entitled to that judicial review as is provided in G. S. 58-54.8."

Sec. 2. G. S. 58-54.4 is hereby amended by adding after the present subdivision (9) thereof a new subdivision to be designated as subdivision "(10) and to read as follows:

"(10) Soliciting, advertising or entering into insurance contracts in foreign states and any other jurisdiction in which such domestic insurer is not licensed in accordance with the laws of such state or jurisdiction, except as provided in G. S. 58-54.27."

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1967, but the same shall not apply to any contracts of insurance in effect before the effective date of this Act.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 516 CHAPTER 936

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES AS IT RELATES TO TITLE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes is amended by adding the words, "on real property located in North Carolina" to G. S. 58-134.1, as indicated below, so that G. S. 58-134.1, as amended, will read as follows: "Investment of Capital. Any real estate title insurance company having a capital stock of more than fifty thousand dollars ($50,000.00), may, with

the consent of the Commissioner, after investing fifty thousand dollars ($50,000.00) of the capital, as provided in this Chapter, invest not to exceed one-fourth of the total capital stock in abstract or title plants; and no such company shall guarantee or insure in any one risk on real property located in North Carolina more than forty per cent (40%) of its combined capital and surplus without first having the approval of the Commissioner, which approval shall be endorsed upon the policy."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and on its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 517 CHAPTER 937

AN ACT CREATING A BOARD OF EXAMINERS FOR THOSE ENGAGED IN THE BUSINESS OF WATCHMAKING OR WATCH REPAIRING AND PRESCRIBING THEIR DUTIES AND POWERS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. This Act is designed and intended to protect the public against abuses, misrepresentation, false advertising and incompetency in the business of watchmaking and watch repairing. From and after January 1, 1968, it shall be unlawful:

(1) To engage in the business of repairing, replacing, rebuilding, reconditioning, cleaning and adjusting the mechanical parts of watches and the manufacturing and fitting of parts designed for use or used inside watches and other time recording instruments without being a watchmaker registered pursuant to the provisions of this Act by the board of examiners as hereinafter established.

(2) To act or attempt to act as a watchmaking apprentice without being registered as an apprentice by the board of examiners.

(3) For any person, partnership, firm, or corporation to operate a watchmaking or watch repairing business unless it is at all times operating under the supervision of a registered watchmaker; provided, however, that those who are engaged in the sale of watches shall be deemed to have complied with this Act in the event they receive watches for repairs and that the repairs are made under the general supervision of a registered watchmaker, and those engaged in the sale of watches shall be deemed in compliance with this Act when they return watches to the factory for adjustment, exchange or repairs, that nothing herein contained shall be construed to mean the manufacturing of watches and parts, clocks and parts, in a regularly constituted watch or clock factory or to an out-of-state firm, company, or corporation specializing in the repair of watches which has been designated and determined as such by the board of examiners, and shall not include the manufacturing or repairing of watch or clock cases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not; provided, further, that this

Act shall not apply to those engaged in repairing, remaking, refinishing, swapping, selling, purchasing, or reselling used watches and clocks.

Sec. 2. North Carolina State Board of Examiners in Watchmaking and Repairing. There is hereby created a board of examiners, consisting of five members, to be appointed by the Governor within 60 days after July 1, 1967, which shall be known as the "North Carolina State Board of Examiners in Watchmaking and Repairing". Each member of the board shall be a practical watchmaker who has followed such occupation in this State for at least two years immediately prior to his appointment. The terms of the first board shall be as follows: One for the term of one year; one for the term of two years; one for the term of three years; two for the term of four years; and thereafter all appointments shall be for a term of four years. Members of the board shall hold office until their successors are appointed and qualified; provided, however, the Governor may remove any member of the board for misconduct, incompetency or willful neglect of duty. The Governor shall have power to fill all vacancies occurring on said board.

Sec. 3. Officers, Quarters, Meetings, Records, Etc. The board shall organize by electing a president from its members and appointing a secretary who may be from its members who shall hold their respective offices for one year, subject to re-election or reappointment, or until their successors are elected or appointed, and keep a record of its proceedings, a register of persons registered as watchmakers and apprentices showing the name, place of business and residence of each and the date and number of his certificate, and a record of all licenses issued, refused, renewed, suspended or revoked. Its records shall be open to public inspection at all reasonable times. The board shall meet at least semi-annually for the transaction of its necessary business and shall annually, on or before the first day of July of each year, make a report to the Governor of its official acts during the preceding year, and of its receipts and disbursements, and such recommendations as it may deem expedient. The board may retain legal counsel, if it deems it necessary, and a recognized administration or technical expert, if it deems necessary.

Sec. 4. Secretary's Bond. Before entering upon the discharge of the duties of his office, the secretary shall give a bond to the board, to be approved by the board, in the sum of five thousand dollars ($5,000.00) conditioned upon the faithful performance of the duties of his office.

Sec. 5. Receipts and Their Disposition. All moneys received by the board under this Act shall be paid to the secretary of the board, who shall give a proper receipt for the same and shall deposit the same in a depository designated by the board. No expenditures of funds of the board shall be made except pursuant to the direction of, or pursuant to the rules and regulations of, the board, with respect thereto. Neither the board nor any officer or employee thereof shall have any power or authority to make or incur any expense, debt or other financial obligation binding upon the State of North Carolina.

Sec. 6. Compensation. Each member of the board shall receive fifteen dollars ($15.00) for each day actually engaged in the discharge of his official duties plus ten dollars ($10.00) per day for subsistence and ten

cents (10¢) per mile while traveling to and from any regular or called meeting of the board. The board shall have authority to employ such clerks, assistants and not more than two investigators as it may deem necessary for the proper execution of its functions and to fix their salaries and expenses; such investigators, if employed in the discretion of the board, shall be licensed watchmakers actively engaged as watchmakers for at least two years prior thereto.

Sec. 7. Promulgation of Regulations. The board shall have authority to make such reasonable rules and regulations as may be deemed necessary or desirable to carry out the provisions of this Act and which are not inconsistent therewith; provided, however, that such rules and regulations shall not be adopted until after a public hearing, for which hearing adequate notice has been given. Any investigator of the board shall have authority to enter upon and to inspect any place of business conducted as a watch repair business at any time during business hours; provided, however, that no such inspection may be had without there first being a written complaint directed to the board wherein complaint is made of the operations or practices of the enterprise to be inspected or investigated. A copy of the rules and regulations as adopted by the board shall be furnished by the board to the owner or manager of each such place of business and to the general public upon request; provided, further, all appeals from the decisions of the board shall be as provided in Article 33 of Chapter 143 of the General Statutes.

Sec. 8. Apprentice Qualifications; License. Any person 16 years of age or over of good moral character indentured to a registered watchmaker in accordance with the terms of this Act may engage in watchmaking, subject to the provisions of this Act, upon obtaining from the board license as an apprentice watchmaker, which license shall be conspicuously displayed at all times in the place of employment of the licensee.

Sec. 9. Applications for License. Any person who desires to practice watchmaking or to practice as an apprentice watchmaker shall file with the secretary of the board of examiners a written application, on a form approved by the board, under oath, that the applicant is at least 18 years of age, or if an apprentice, at least 16 years of age.

Sec. 10. Examinations. The board shall conduct examinations for applicants for license to practice as watchmakers at least two times a year at such times and places as the board may determine. Such examination shall determine the applicant's qualifications with regard to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include an examination of theoretical knowledge of watch construction and repair, and also a practical demonstration of the applicant's skill in the manipulation of necessary watchmaker's tools. Such examination shall be written or oral, or both, as the board may determine. License of watchmakers shall be issued by the board to any applicant who shall pass a satisfactory examination in the opinion of said board and shall possess the other qualifications required by law.

Sec. 11. License Without Examinations. Any resident of this State who has been engaged in the practice of watchmaking and watch repair-

ing at one or more established places of business in this State or any state, or who at any time or times prior to July 1, 1967, engaged in such practice for a total period of one year, shall be granted a license as a registered watchmaker without examination provided that such application is made prior to January 1, 1969, and is accompanied by a fee of ten dollars ($10.00). Any person who, prior to July 1, 1967, was practicing as an apprentice watchmaker under the tutorship of a practicing watchmaker in this State for a period of at least six months or who shall hereafter become apprenticed to a registered watchmaker under the provisions of this Act, shall be granted a license to practice as an apprentice by making application to the board and paying the required fee of fifteen dollars ($15.00).

Sec. 12. Display of License. Every holder of a license shall display it in a conspicuous place in the place of business where he is so engaged or employed.

Sec. 13. Fees. The State Board of Watchmaker Examiners shall charge and collect the following fees: For the examination of an applicant for a license to practice as a watchmaker, twenty-five dollars ($25.00); for the original registration of an applicant for a license to practice as a watchmaker who is eligible by the provisions of this Act for such license without an examination, ten dollars ($10.00), for which amount the applicant shall also be given his or her respective license without additional cost other than the original registration fee, for that year in which such original registration was made; for renewal of the license as a watchmaker, ten dollars ($10.00); for restoration of an expired license, ten dollars ($10.00); for the filing of an apprentice license, ten dollars ($10.00); for a license to practice as an apprentice, five dollars ($5.00); for a renewal of a license to practice as an apprentice, five dollars ($5.00).

A duplicate license will be issued upon the filing of a statement covering the loss of a license verified by the oath of the applicant, and the payment of five dollars ($5.00) for the issuance of same. Each duplicate license shall have the word "duplicate" stamped across the face thereof, and will bear the same number as the license that it was issued in lieu of. All such licenses shall expire as of December 31 of each calendar year. Upon the failure of any applicant to satisfactorily pass the examination for a license, he shall be privileged to take a subsequent examination at any other examination period upon the payment of seven dollars and fifty cents ($7.50). All those applicants satisfactorily passing the examination for a license shall be given their respective license without additional cost other than the examination fee, for that year in which such examination was satisfactorily passed.

Sec. 14. Refusal to Issue; Revocation or Suspension of License; Grounds. The board may refuse to issue, and is empowered to revoke or suspend, any license if the applicant or holder shall:

(1) Have been convicted of a felony or misdemeanor involving moral turpitude within five years of the date of application for license.

(2) Have engaged in any unethical practice or conduct, as defined by the board, which shall include and mean any conduct of a character likely to mislead, deceive or defraud the public.

(3) Have made any false statement in any document required or permitted to be filed with the board by this Act and the regulations promulgated hereunder.

(4) Have advertised in any manner in which untruthful or misleading statements are made.

(5) Have performed any service in pursuance to any such advertising.

(6) Have transferred or loaned a certificate of registration to any person.

(7) Fails to display the certificate of registration conspicuously in the place of business at all times.

(8) Employ directly or indirectly any unregistered watchmaker or apprentice to perform any watchmaking or repairing.

(9) Not comply within 30 days with any order, rule, or regulation of the State Board created under this Act.

Either causes (1) or (9) shall, on proof to the board, be sufficient ground for revocation, suspension, or denial of a certificate of registration. As to each of the other several causes for action by the board enumerated above, on the first offense the registrant or applicant shall be admonished, but on any subsequent offense the board shall have power to act as in the cases of causes (1) and (9). In no case shall there be any disciplinary action taken by the board without first having before it written charges and having delivered or mailed by registered mail to the person charged a true copy of the charges preferred, and having given the person charged an opportunity to be heard in his defense.

Sec. 15. Terms Defined. The words watch, watchmaking, watchmaker, watch repairer and watch repairing shall mean and include clock, clockmaking, clockmaker, clock repairer and clock repairing. The words watchmaker and watchmaking are used synonymously with and shall include and mean watch repairer and watch repairing for the purpose of this Act.

Sec. 16. Enforcement of Act; Injunction. The State Board of Examiners in Watch Repairing, or any resident of any county where any person or persons, firm or corporation shall hold himself or itself out as a watchmaker or repairer, or who advertises as being in the business of watchmaking or repairing without at all times operating such business under the supervision of a registered watchmaker, or who holds himself or itself out as a qualified watchmaker or repairer without having a license so to do, may, in accordance with the laws of the State of North Carolina, governing injunctions, maintain an action in the name of the State of North Carolina to enjoin such person or persons, firm or corporation from engaging in the business of watchmaking or watch repairing, or from advertising himself or itself as such, as herein defined, until a license has been secured. Any person who has been so enjoined who shall violate such injunction shall be punished as for contempt of court; provided, that such injunction shall not relieve such person or persons, firm or corporation so engaging in watchmaking or watch repairing contrary to the provisions of this Act from a criminal prosecution therefor as provided for herein, but such remedy by injunction shall be in addition to any other remedy providing for the criminal prosecution of such offender.

Sec. 17. Watchmakers of Other States; Recognition. The board may recognize licenses issued to watchmakers by state boards of watchmakers of other states, and upon presentation of such licenses may issue to the lawful holders thereof the watchmaker's license herein provided upon the payment of a license fee of twenty-five dollars ($25.00) for the first year.

Sec. 18. Penalty. Anyone not having a valid license who holds himself out as a watchmaker or repairer, or who advertises as being in the business of watchmaking or repairing or who operates a business of watchmaking or repairing without operating such business under the supervision and management of a registered watchmaker or who holds himself out as qualified to do watchmaking or repairing, or anyone who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment.

Sec. 19. Constitutionality. All Sections, subsections, sentences, clauses, and phrases of this Act are declared to be independent Sections, subsections, sentences, clauses, and phrases, and the finding or holding of any Section, subsection, sentence, phrase, or clause to be unconstitutional, void or ineffective for any cause, shall not affect any other Section, subsection, sentence or part thereof.

Sec. 20. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 528 CHAPTER 938

AN ACT TO AMEND CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA BY ADDING A NEW ARTICLE THERETO DESIGNATED AS ARTICLE 6A SO AS TO AUTHORIZE THE STOCKHOLDERS OF A DOMESTIC INSURANCE COMPANY TO EXCHANGE THEIR STOCK IN SUCH INSURANCE COMPANY FOR STOCK OF ANOTHER DOMESTIC INSURANCE COMPANY OR OTHER DOMESTIC CORPORATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding a new Article to subchapter II, designated as Article 6A to read as follows:

"Article 6A

"Exchange of Stock

"G. S. 58-86.2. Exchange of Securities. Any domestic insurance company with capital stock (hereinafter referred to as 'domestic company') may adopt a plan of exchange providing for the exchange by its shareholders of their stock in the domestic company for (i) shares of stock issued by any other domestic stock insurance company or other domestic

stock corporation organized or reorganized under the laws of this State—such other corporation being hereinafter referred to as the 'acquiring corporation'; (ii) other securities issued by the acquiring corporation; (iii) cash; (iv) other consideration; (v) any combination of such stock, such other securities, cash or other consideration. For the purpose of this Article, a 'domestic company' or 'domestic stock insurance company' shall mean a business corporation or a stock insurance company, respectively, organized and existing under the laws of the State of North Carolina.

"G. S. 58-86.3. Procedure for Exchange. Subject to the provisions of G. S. 58-86.2, any domestic company may adopt a plan of exchange with any acquiring corporation providing for the exchange of the outstanding stock of the domestic company for shares of stock or other securities issued by the acquiring corporation or cash or other consideration or any combination thereof in the following manner:

"(a) Approval of the Boards of Directors. The boards of directors of the domestic company and of the acquiring corporation by resolutions shall adopt a plan of exchange which shall set forth the terms and conditions of the exchange and the mode of carrying the same into effect and such other provisions with respect to the exchange as may be deemed necessary or desirable.

"(b) Insurance Commissioner's Approval. The domestic company and the acquiring corporation shall submit to the Commissioner of Insurance three copies of the plan of exchange certified by an officer of each as having been adopted in accordance with subsection (a) of this Section. Such copies of the plan of exchange shall be accompanied by (i) financial statements of the domestic company and the acquiring corporation for the last preceding fiscal year, (ii) pro forma financial statements of each corporation based on the assumption that the plan of exchange was effective as proposed at the end of the last preceding fiscal year of the domestic company, (iii) an estimate of expenses already incurred and of expenses expected to be incurred in connection with the proposed plan of exchange, (iv) a written statement which sets forth for each corporation the identity of officers and directors of the domestic company and of the acquiring corporation, and (v) any other information which the Commissioner may require with respect to such plan.

"No director, officer, member or subscriber of the domestic company or of the acquiring corporation, except as is expressly provided by the plan filed with the Commissioner of Insurance, shall receive any fee, commission, other compensations or valuable considerations whatever, for in any manner aiding, promoting, or assisting in the promotion of the plan of exchange.

"The Commissioner of Insurance shall hold a public hearing upon the terms, conditions and provisions of the proposed plan of exchange to determine if the proposed plan of exchange is reasonable, fair and in the public interest. At such hearing the shareholders and the policyholders of the domestic company and the shareholders of the acquiring corporation and also the policyholders of the acquiring corporation, if it is an insurance company, and any other interested parties shall have the right to appear and to become parties to the proceedings.

"Such hearing shall be commenced not less than 30 days after the date on which the plan of exchange is presented to the Commissioner. The hearing shall be held at such place, date and time as the Commissioner shall specify. Notice of the hearing shall be published in a newspaper of general circulation in the city or cities wherein are located the registered office of the domestic company and of the acquiring corporation once a week for two successive weeks, the last publication of such notice to be not more than two weeks prior to the hearing date. Written notice of the hearing shall be mailed at least ten days prior to the hearing by the domestic company and by the acquiring corporation to all of their respective shareholders. All expenses of publication shall be borne by the domestic company or the acquiring corporation or both, as shall be specified in the plan of exchange, and the Commissioner may charge the domestic company or the acquiring corporation, or both, with such of the costs of the hearing as he may deem reasonable.

"The Commissioner shall issue a written order approving the plan of exchange as delivered to him by the domestic company and the acquiring corporation and such modification therein as the board of directors of each such corporation shall approve, if he finds (i) that the plan, including all such modification, if effected, will not tend adversely to affect the financial stability or management of the domestic company or the general capacity or intention to continue the safe and prudent transaction of the insurance business of the domestic company, or of the acquiring corporation, if it is a domestic insurance company; (ii) that the interests of the policyholders and shareholders of the domestic company, and, if the acquiring corporation is a domestic insurance company, the policyholders of the acquiring corporation are protected; (iii) that the terms and conditions of the plan of exchange and the proposed issuance and exchange are fair and reasonable; and (iv) that the plan of exchange is consistent with the law and will not conflict with the public interest. If the Commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing.

"Any order issued by the Commissioner hereunder shall be subject to court review in accordance with the provisions of G. S. 58-9.3.

"(c) Approval of Shareholders. The plan of exchange as approved by the Commissioner of Insurance shall then be submitted to a vote of the shareholders of the domestic company at an annual or special meeting of the shareholders. Notice of the submission of the plan to the shareholders shall be included in the notice of such annual or special meeting. The plan shall be approved by the shareholders of the domestic company upon receiving the affirmative votes representing at least two-thirds of the outstanding capital stock of the domestic company or such larger proportion as may be specified in the plan of exchange. Notwithstanding shareholder adoption of the plan of exchange and at any time prior to the filing of the certificate setting forth the plan of exchange pursuant to G. S. 58-86.4, the plan of exchange may be abandoned pursuant to a provision for such abandonment, if any, contained in the plan of exchange.

"(d) Objections. Any shareholder of the domestic company may, by following the procedure set forth in G. S. 55-113 (b) object to the plan of

exchange and become entitled, if the plan becomes effective, to be paid by the domestic company or the acquiring corporation the fair value of his shares in the domestic company. Such payment and the amount thereof shall be determined in accordance with the provisions of G. S. 55-113(d), (e), (f), (g) and (h).

"G. S. 58-86.4. Filing Plan of Exchange. Not earlier than 31 days after the date of the meeting of shareholders of the domestic company at which the plan of exchange was approved by such shareholders, a certificate setting forth (a) the plan of exchange and (b) the vote by which such plan was adopted by the shareholders of the domestic company, or (c) that the plan of exchange has been abandoned, shall be signed on behalf of the domestic company by its president or a vice president and also by its secretary or an assistant secretary and shall then be presented in triplicate to the Commissioner of Insurance. If the certificate indicates that the plan of exchange has been approved by the domestic company's shareholders as required by G. S. 58-86.3(c) and that the facts otherwise conform to the law, he shall endorse his approval on the certificate and the same shall then be filed as provided in G. S. 55-4. Upon the filing of such certificate, the plan of exchange and the issuance and exchange provided for therein shall become effective, unless a later date and time is specified in the plan of exchange, in which event the plan of exchange and issuance and exchange provided for therein shall become effective upon such later date and time.

"G. S. 58-86.5. Effect of Exchange. Upon the plan of exchange becoming effective, the exchange provided for therein shall be deemed to have been consummated, each shareholder of the domestic company shall cease to be a shareholder of such company and the ownership of all shares of the issued and outstanding stock of the domestic company shall vest in the acquiring corporation automatically without any physical transfer or deposit of certificates representing such shares.

"Certificates representing shares of the domestic company prior to the plan of exchange becoming effective shall, after the plan of exchange becomes effective, represent (i) shares of the issued and outstanding capital stock or other securities issued by the acquiring corporation, and (ii) the right, if any, to receive such cash or other consideration upon such terms as shall be specified in the plan of exchange: Provided, that the plan of exchange (a) shall specify that all certificates representing shares of stock of the domestic company may, after the plan of exchange becomes effective, be exchanged for shares of stock or other securities issued by the acquiring corporation or cash or other consideration or any combination thereof upon such terms as shall be specified in the plan of exchange, and (b) may require that all certificates representing shares of stock of the domestic company shall, after the plan of exchange becomes effective, represent only the right to receive shares of stock or other securities issued by the acquiring corporation or cash or other consideration or any combination thereof upon such terms as shall be specified in the plan of exchange.

"G. S. 58-86.6. Authorized Insurance Business and Regulatory Authority. (a) Nothing contained in this Article shall be construed to authorize any insurance company to engage in any kind or kinds of in-

surance business not authorized by its articles of incorporation, or to authorize any acquiring corporation which is not an insurance company to engage directly in the business of insurance. Subsequent to the effective date of the plan of exchange, the Commissioner having regard to the findings stated in subsection (b) of G. S. 58-86.3, shall have the authority to require that the affairs of the domestic company be conducted in such manner as to assure the continuing safe conduct and transaction of the domestic company's business of insurance.

"(b) If at any time the Commissioner finds, after due notice and opportunity to be heard as provided by G. S. 58-9.2, that the business and affairs of the acquiring corporation are of such nature or are conducted in such manner as to endanger the continued solvency of any domestic insurance company, to be harmful to any domestic insurance company, or to impair the rights of any policyholder, he shall issue such written order or orders as he deems appropriate to assure that the business and affairs of the acquiring corporation are of such nature and are conducted in such manner as to no longer endanger the solvency of any domestic insurance company, to be harmful to any domestic insurance company, or to impair the rights of any policyholder, including an order requiring the acquiring corporation to divest itself of the stock of the domestic company.

"(c) The Commissioner may examine, at such time or times as he may deem appropriate, the financial and business affairs of the acquiring corporation, and in connection with any such examination or examinations the acquiring corporation shall make available its books, records and accounts, and the Commissioner may require from the acquiring corporation and its officers, directors and employees the submission of such written or oral statements as the Commissioner may deem necessary or advisable. The cost of the examination shall be borne by the acquiring corporation at the same rate as is provided for under G. S. 58-63(3).

"(d) Any acquiring corporation which owns or controls any domestic insurance company shall be subject to all proxy solicitation and insider trading regulations promulgated from time to time by the Commissioner of Insurance pursuant to statutory authority.

"(e) It shall be unlawful for any domestic insurance company which has exercised the privileges allowed by this Article, except upon written approval by the Commissioner and subject to the provisions of G. S. 58-79,

(1) to invest any of its funds in the capital stock, bonds, debentures, or other obligations of any acquiring corporation of which it is a subsidiary, or of any other subsidiary of any such acquiring corporation;

(2) to accept the capital stock, bonds, debentures, or other obligations of any acquiring corporation of which it is a subsidiary or any other subsidiary of any such acquiring corporation, as collateral security for advances made to any person or company;

(3) to purchase securities, other assets or obligations under repurchase agreement from any acquiring corporation of which it is a subsidiary or any other subsidiary of any such acquiring corporation; and

(4) to make any loan, discount or extension of credit to any acquiring corporation of which it is a subsidiary or to any other subsidiary of any such acquiring corporation.

"G. S. 58-86.7. Nothing in this Article shall affect the power of the Commissioner to regulate, supervise and control insurance companies to the extent of and as provided by this Chapter.

"G. S. 58-86.8. Any other domestic corporation, other than a domestic insurance company, which shall acquire the majority of the voting capital stock of any domestic insurance company shall be subject to the regulations contained in this Article; provided, however, that the provisions of this Article shall not apply to any domestic corporation which has acquired a domestic insurance company or companies prior to the effective date of this Article."

Sec. 2. All law and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. If any clause, sentence, paragraph or provision of this Act shall for any reason be adjudged by any court unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Act but shall be confined in its operation to the clause, sentence, paragraph or provision adjudged unconstitutional or invalid.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 549 CHAPTER 939

AN ACT TO ELIMINATE THE REQUIREMENT OF NEXT FRIENDS AND GUARDIANS AD LITEM IN DOMESTIC RELATIONS CASES BY MINORS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1 of the General Statutes is hereby amended by inserting the following Section:

"§ 1-65.1. When Next Friend or Guardian Ad Litem Not Required in Domestic Relations. Notwithstanding the provisions of G. S. 1-64 and G. S. 1-65, an infant 18 years of age or over who is competent to marry is competent to prosecute or defend an action or proceeding for his or her absolute divorce, divorce from bed and board, alimony pendente lite, or permanent alimony with or without divorce, or an action or proceeding for the custody and support of his or her child, together with counsel fees when they are allowable. In such actions or proceedings the appointment of a guardian ad litem or a next friend is not required."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 559 **CHAPTER 940**

AN ACT TO AMEND CHAPTER 76 OF THE GENERAL STATUTES, RELATING TO NAVIGATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 76-4, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by deleting from lines 7 and 8 the words "fifteen feet", and inserting in lieu thereof the words "twenty-five feet".

Sec. 2. G. S. 76-5, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by deleting the words "eighteen feet" from subsection (1), and inserting in lieu thereof the words "twenty-five feet".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 566 **CHAPTER 941**

AN ACT TO EXEMPT MUNICIPALITIES FROM THE PROVISIONS OF ARTICLE 2 OF CHAPTER 147 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 147 of the General Statutes is hereby amended by adding at the end thereof a new Section to be designated as G. S. 147-9.1, and to read as follows:

"G. S. 147-9.1. Municipalities Exempt. Nothing in this Article shall be deemed to be applicable to municipalities nor to limit or restrict the amount of any automobile mileage allowance, or automobile expense allowance, or any other travel expense allowance or payment which may be paid by a municipality or by any board, commission, or other agency of any municipality."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 571 **CHAPTER 942**

AN ACT REQUIRING PERSONS, FIRMS OR CORPORATIONS EXEMPT FROM THE INSURANCE PREMIUM FINANCING ACT TO COMPLY WITH THE SAME PROVISIONS WITH RESPECT TO THE CANCELLATION OF INSURANCE POLICIES THROUGH THE USE OF A POWER OF ATTORNEY AS IS NOW REQUIRED OF INSURANCE PREMIUM FINANCE COMPANIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-56.1 is hereby amended by adding at the end thereof the following language: "Notwithstanding the exceptions set forth in subsections (a) and (b) of this Section, when any person, firm or corporation shall exercise a power of attorney taken in connection with the financing of an insurance premium, such person, firm or corporation shall comply with the requirements of G. S. 58-60, as if it were an insurance premium finance company."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after July 1, 1967, and shall apply to contracts of insurance premium financing entered into on or after said date.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 579 **CHAPTER 943**

AN ACT TO AMEND G. S. 143-166 RELATING TO THE AMOUNT OF SAVINGS AND LOAN SHARES GUARANTEED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (9) of subsection (g) of G. S. 143-166 is hereby amended by striking therefrom in line 4 thereof the words and figures "ten thousand dollars ($10,000.00)" and inserting in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 603 **CHAPTER 944**

AN ACT TO AMEND G. S. 105-295, RELATING TO THE APPRAISAL OF REAL PROPERTY, LAND AND BUILDINGS FOR AD VALOREM TAX PURPOSES, IN ORDER TO MAKE THE UNIFORM SCHEDULES OF THE VALUES OF SUCH PROPERTY AS PREPARED BY THE COUNTY TAX SUPERVISOR SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-295 is hereby amended by striking out the period (.) after the word "county" in line 9 thereof, and by substituting in lieu

thereof a comma (,), and by adding the following language: "which standard uniform schedules shall be subject to the review and approval of the board of county commissioners".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on January 1, 1968, and shall apply to all valuations and revaluations taking place on and after such date.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 604 CHAPTER 945

AN ACT TO AMEND G. S. 45-18, RELATING TO THE VALIDATION OF CERTAIN ACTS OF SUBSTITUTED TRUSTEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 45-18, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by striking out of the second line thereof the date "February 1, 1963" and inserting in lieu thereof the date, "April 1, 1967".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification, but shall not affect pending litigation.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 607 CHAPTER 946

AN ACT TO ENACT THE INTERSTATE MINING COMPACT.

The General Assembly of North Carolina do enact:

Section 1. The Interstate Mining Compact is hereby enacted into law and entered into by this State with all other jurisdictions legally joining therein in the form substantially as follows:

"INTERSTATE MINING COMPACT

ARTICLE I. FINDINGS AND PURPOSES

(a) The party states find that:

1. Mining and the contributions thereof to the economy and well-being of every state are of basic significance.

2. The effects of mining on the availability of land, water and other resources for other uses present special problems which properly can be approached only with due consideration for the rights and interests of those engaged in mining, those using or proposing to use these resources for other purposes, and the public.

3. Measures for the reduction of the adverse effects of mining on land, water and other resources may be costly and the devising of means to deal with them are of both public and private concern.

4. Such variables as soil structure and composition, physiography, climatic conditions, and the needs of the public make impracticable the

application to all mining areas of a single standard for the conservation, adaptation, or restoration of mined land, or the development of mineral and other natural resources; but justifiable requirements of law and practice relating to the effects of mining on land, water, and other resources may be reduced in equity or effectiveness unless they pertain similarly from state to state for all mining operations similarly situated.

5. The states are in a position and have the responsibility to assure that mining shall be conducted in accordance with sound conservation principles, and with due regard for local conditions.

(b) The purposes of this compact are to:

1. Advance the protection and restoration of land, water and other resources affected by mining.

2. Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water and air attributable to mining.

3. Encourage, with due recognition of relevant regional, physical, and other differences, programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated.

4. Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such use may be consistent with sound land use, public health, and public safety, and to this end to study and recommend, wherever desirable, techniques for the improvement, restoration or protection of such land and other resources.

5. Assist in achieving and maintaining an efficient and productive mining industry and in increasing economic and other benefits attributable to mining.

ARTICLE II. DEFINITIONS

As used in this compact, the term:

(a) 'Mining' means the breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, and other solid matter from its original location; and the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on site farming or construction.

(b) 'State' means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or Possession of the United States.

ARTICLE III. STATE PROGRAMS

Each party state agrees that within a reasonable time it will formulate and establish an effective program for the conservation and use of mined land, by the establishment of standards, enactment of laws, or the continuing of the same in force, to accomplish:

1. The protection of the public and the protection of adjoining and other landowners from damage to their lands and the structures and other

property thereon resulting from the conduct of mining operations or the abandonment or neglect of land and property formerly used in the conduct of such operations.

2. The conduct of mining and the handling of refuse and other mining wastes in ways that will reduce adverse effects on the economic, residential, recreational or aesthetic value and utility of land and water.

3. The institution and maintenance of suitable programs for adaptation, restoration, and rehabilitation of mined lands.

4. The prevention, abatement and control of water, air and soil pollution resulting from mining, present, past and future.

ARTICLE IV. POWERS

In addition to any other powers conferred upon the Interstate Mining Commission, established by Article V of this compact, such commission shall have power to:

1. Study mining operations, processes and techniques for the purpose of gaining knowledge concerning the effects of such operations, processes and techniques on land, soil, water, air, plant and animal life, recreation, and patterns of community or regional development or change.

2. Study the conservation, adaptation, improvement and restoration of land and related resources affected by mining.

3. Make recommendations concerning any aspect or aspects of law or practice and governmental administration dealing with matters within the purview of this compact.

4. Gather and disseminate information relating to any of the matters within the purview of this compact.

5. Cooperate with the federal government and any public or private entities having interests in any subject coming within the purview of this compact.

6. Consult, upon the request of a party state and within resources available therefor, with the officials of such state in respect to any problem within the purview of this compact.

7. Study and make recommendations with respect to any practice, process, technique, or course of action that may improve the efficiency of mining or the economic yield from mining operations.

8. Study and make recommendations relating to the safeguarding of access to resources which are or may become the subject of mining operations to the end that the needs of the economy for the products of mining may not be adversely affected by unplanned or inappropriate use of land and other resources containing minerals or otherwise connected with actual or potential mining sites.

ARTICLE V. THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the 'Interstate Mining Commission', hereinafter called 'the commission'. The commission shall be composed of one commissioner from each party state who shall be Governor thereof. Pursuant to the laws of his party state, each Governor shall have the assistance of an advisory body (including membership from mining industries, conservation interests, and

such other public and private interests as may be appropriate) in considering problems relating to mining and in discharging his responsibilities as the commissioner of his state on the commission. In any instance where a Governor is unable to attend a meeting of the commission or perform any other function in connection with the business of the commission, he shall designate an alternate, from among the members of the advisory body required by this paragraph, who shall represent him and act in his place and stead. The designation of an alternate shall be communicated by the Governor to the commission in such manner as its bylaws may provide.

(b) The commissioners shall be entitled to one vote each on the commission. No action of the commission making a recommendation pursuant to Article IV-3, IV-7, and IV-8 or requesting, accepting or disposing of funds, services, or other property pursuant to this paragraph, Articles V (g), V (h), or VII shall be valid unless taken at a meeting at which a majority of the total number of votes on the commission is cast in favor thereof. All other action shall be by a majority of those present and voting: provided that action of the commission shall be only at a meeting at which a majority of the commissioners, or their alternates, is present. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, a vice-chairman, and a treasurer. The commission shall appoint an executive director and fix his duties and compensation. Such executive director shall serve at the pleasure of the commission. The executive director, the treasurer, and such other personnel as the commission shall designate shall be bonded. The amount or amounts of such bond or bonds shall be determined by the commission.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director with the approval of the commission, shall appoint, remove or discharge such personnel as may be necessary for the performance of the commission's functions, and shall fix the duties and compensation of such personnel.

(f) The commission may establish and maintain independently or in conjunction with a party state, a suitable retirement system for its employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as it may deem appropriate.

(g) The commission may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(h) The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment,

supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (g) of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed and the identity of the donor or lender.

(i) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The commission annually shall make to the Governor, legislature and advisory body required by Article V (a) of each party state a report covering the activities of the commission for the preceding year, and embodying such recommendations as may have been made by the commission. The commission may make such additional reports as it may deem desirable.

ARTICLE VI. ADVISORY, TECHNICAL AND REGIONAL COMMITTEES

The commission shall establish such advisory and technical, and regional committees as it may deem necessary, membership on which shall include private persons and public officials, and shall cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities. Such committees may be formed to consider problems of special interest to any party states, problems dealing with particular commodities or types of mining operations, problems related to reclamation, development, or use of mined land, or any other matters of concern to the commission.

ARTICLE VII. FINANCE

(a) The commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations requested under any such budget shall be apportioned among the party states as follows: one-half in equal shares; and the remainder in proportion to the value of minerals, ores, and other solid matter mined. In determining such values, the commission shall employ such available public source or sources of information as, in its judgment, present the most equitable and accurate comparisons among the party states. Each of the commission's budgets of estimated expenditures and requests for ap-

propriations shall indicate the source or sources used in obtaining information concerning value of minerals, ores, and other solid matter mined.

(c) The commission shall not pledge the credit of any party state. The commission may meet any of its obligations in whole or in part with funds available to it under Article V (h) of this compact: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it under Article V (h) hereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII. ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into force when enacted into law by any four or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX. EFFECT ON OTHER LAWS

Nothing in this compact shall be construed to limit, repeal or supersede any other law of any party state.

ARTICLE X. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain

in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters."

Sec. 2. (a) The "Mining Council", hereinafter called the council, is hereby established in the office of the Governor. The council shall be the advisory body referred to in Article V (a) of the Interstate Mining Compact. No member of the council shall receive any compensation on account of his service thereon, but any such member shall be entitled to reimbursement for expenses actually incurred by him in connection with his service as the Governor's alternate on the Interstate Mining Commission, or in attending meetings of the council.

(b) The council shall be composed of 13 members. One member shall be the State Geologist, one member the Chairman of the Laboratory Advisory Committee of the N. C. State University Minerals Research Laboratory, and one member the Chairman of the Mineral Resources Committee of the Board of Conservation and Development. Three members, appointed by the Governor, shall be representatives of mining industries and three members, appointed by the Governor, shall be representatives of non-governmental conservation interests, and two members shall be appointed by the Governor to represent the Board of Water and Air Resources who shall be knowledgeable in the principles of Water and Air Resources Management. One member shall be a member of the North Carolina Senate to be appointed by the Lieutenant Governor and one member shall be a member of the North Carolina House of Representatives to be appointed by the Speaker of the House. Any public official appointed to the board shall serve ex officio.

Of the eight members on the council appointed by the Governor, four shall be appointed for terms of six years, two shall be appointed for terms of four years, and two shall be appointed for terms of two years. The members appointed by the Lieutenant Governor and the Speaker of the House of Representatives shall serve for terms of two years. The term of each member of the council shall commence as of July 1, 1967, and shall expire on June 30 of the year in which his term expires. Any vacancy occurring on the council by death, resignation or otherwise shall be filled for the unexpired term of the person creating the vacancy by the Governor, the Lieutenant Governor or the Speaker of the House of Representatives, as the case may be.

(c) In accordance with Article V (i) of the compact, the commission shall file copies of its bylaws and any amendments thereto with the State Geologist.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 610 **CHAPTER 947**

AN ACT TO REQUIRE NONRESIDENT TRUSTEES OF DECEDENTS' PROPERTY TO APPOINT PROCESS AGENTS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 28 of the General Statutes is hereby amended by inserting therein the following Section:

"§ 28-152. Distribution to Nonresident Trustee Only Upon Appointment of Process Agent. (a) No assets of the estate of a deceased person subject to administration in this State shall be delivered or transferred to a trustee of a testamentary trust or an inter vivos trust who is a nonresident of this State who has not appointed an agent for the service of civil process for actions or proceedings arising out of the administration of the trust with regard to such property.

"(b) If property is delivered or transferred to a trustee in violation of this Section, process may be served outside this State or by publication, as provided by the rules of civil procedure, and the courts of this State shall have the same jurisdiction over the trustee as might have been obtained by service upon a properly appointed process agent. The provisions of this Section with regard to jurisdiction shall be in addition to other means of obtaining jurisdiction permissible under the laws of this State."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 611 **CHAPTER 948**

AN ACT TO DEFINE THE TERM "NEXT OF KIN".

The General Assembly of North Carolina do enact:

Section 1. A new Section is hereby inserted in Chapter 41 of the General Statutes, to read as follows:

"§ 41-6.1. Meaning of 'Next of Kin'. A limitation by deed, will, or other writing, to the 'next of kin' of any person shall be construed to be to those persons who would take under the law of intestate succession, unless a contrary intention appears by the instrument."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 612 **CHAPTER 949**

AN ACT TO CLARIFY THE FORM OF ACKNOWLEDGMENT OF INSTRUMENTS BY SPOUSES OF PERSONS ACCOMPANYING OR SERVING IN OR WITH THE ARMED FORCES OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-2, as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by inserting the following immediately after the words "United States" in line 22 thereof: "(or to be the spouse of a person accompanying or serving in or with the Armed Forces of the United States)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 613 **CHAPTER 950**

AN ACT TO PROVIDE FOR REGISTRATION OF CERTIFICATES OF CORPORATE MERGERS OR CONSOLIDATION AFFECTING TITLE TO REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-110(b) is hereby amended by adding the following sentence to the end thereof: "The provisions of this subsection are subject to the provisions of G. S. 47-18.1, with regard to the registration of certificates of merger or consolidation if the title to real property is affected."

Sec. 2. G. S. 55A-42(4) is hereby amended by adding the following sentence to the end thereof, "The provisions of this subdivision are subject to the provisions of G. S. 47-18.1, with regard to the registration of certificates of merger or consolidation if the title to real property is affected."

Sec. 3. Chapter 47 of the General Statutes is hereby amended by inserting the following Section:

"§ 47-18.1. Registration of Certificate of Corporate Merger or Consolidation. (a) If title to real property in this State is transferred by operation of law upon the merger or consolidation of two or more corporations, such transfer is effective against lien creditors or purchasers for a valuable consideration from the corporation formerly owning the property, only from the time of registration of a certificate thereof as provided in this Section, in the county where the land lies, or if the land is located in more than one county, then in each county where any portion of the land lies to be effective as to the land in that county.

"(b) The Secretary of State shall adopt uniform certificates of merger or consolidation, to be furnished for registration, and shall adopt such fees as are necessary for the expense of such certification.

"(c) A certificate of the Secretary of State prepared in accordance with this Section shall be registered by the Register of Deeds in the same manner as deeds, and for the same fees, but no formalities as to acknowledgement, probate, or approval by any other officer shall be required. The name of the corporation formerly owning the property shall appear in the 'Grantor' index, and the name of the corporation owning the property by virtue of the merger or consolidation shall appear in the 'Grantee' index."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after October 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 667 CHAPTER 951

AN ACT TO AMEND CHAPTER 841 OF THE SESSION LAWS OF 1955 RELATING TO ESTABLISHING ALCOHOLIC BEVERAGE CONTROL STORES IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That Section 6 of Chapter 841 of the Session Laws of 1955 is rewritten to read as follows:

"Sec. 6. The City of High Point Board of Alcoholic Control shall at the end of each quarterly period following the establishment of liquor control stores deduct the necessary expenses of the operation of such stores, and shall retain a sufficient and proper working capital, the amount to be determined by the Board; and the entire net profits derived from the operation of liquor control stores in the City of High Point shall be paid as follows:

"a. Five per cent (5%) for law enforcement, education and rehabilitation purposes.

"b. Twenty per cent (20%) of said net profits shall be apportioned and paid into the general fund of Guilford County.

"c. Seventy-five per cent (75%) of said net profits shall be paid to the Tax Collector of the City of High Point and may be used by the City of High Point for any public purposes."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 119 CHAPTER 952

AN ACT TO AMEND ARTICLE 10, CHAPTER 163 OF THE GENERAL STATUTES SO AS TO PERMIT ABSENTEE VOTING IN COUNTY AND MUNICIPAL BOND ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-226, as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is amended as follows:

(a) By inserting "(a)" immediately before the word "Any" in the first line of said Section.

(b) By adding the following paragraph at the end of said Section:

"(b) Any qualified voter of a county who is qualified to vote by absentee ballot under this Section in a State-wide general election is authorized to vote an absentee ballot in any county bond election in accordance with the provisions of this Article."

Sec. 2. G. S. 163-136(c), as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is rewritten to read as follows:

"(c) Paper Ballots for General Elections and County Bond Elections Where Voting Machines Are Used: In counties in which voting machines are used at some or all voting places, paper ballots shall be printed for purposes of absentee voting in State-wide general elections and in county bond elections under the provisions of Articles 20 and 21."

Sec. 3. G. S. 163-227, as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is amended as follows:

(a) By rewriting the first sentence thereof to read as follows:

"A voter falling in either of the categories defined in § 163-226 may apply for absentee ballots not earlier than forty-five days prior to the State-wide general election or county bond election in which he seeks to vote and not later than 6:00 p.m. on Wednesday before that election."

(b) By inserting the words "or bond" between the words "general" and "election" wherever they appear in the affidavit and application form prescribed in subsection (a) of said Section.

(c) By inserting the words "or bond" between the words "general" and "election" wherever they appear in the affidavit and application form prescribed in subsection (b) of said Section.

(d) By inserting the words "or bond" between the words "general" and "election" wherever they appear in the affidavit and application form prescribed in subsection (c) of said Section.

Sec. 4. G. S. 163-228, as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is amended by rewriting the second paragraph thereof to read as follows:

"The Register of Absentee Ballot Applications and Ballots Issued shall constitute a public record and shall be opened to the inspection of any registered voter of the county at any time within thirty days before and thirty days after a State-wide general election, a county bond election, or at any other time when good and sufficient reason may be assigned for its inspection."

Sec. 5. G. S. 163-229, as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is amended as follows:

(a) By rewriting the first sentence of subsection (b) of said Section to read as follows: "In time for use not later than forty-five days before a State-wide general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the chairman of the county board of elections."

(b) By deleting the words and punctuation "general election, November" in the affidavit form prescribed in numbered paragraph 2 of sub-

section (b) of said Section, and by inserting in lieu thereof the following: "general or bond election,".

(c) By rewriting subsection (c) of said Section to read as follows:

"(c) Instruction Sheets: In time for use not later than forty-five days before a State-wide general election or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the chairman of the county board of elections."

Sec. 6. G. S. 163-230, as it appears in Section 1 of Chapter 775 of the Session Laws of 1967, is amended by rewriting the first sentence following the title of numbered paragraph one of subsection (b) thereof as follows:

"During the period opening forty-five days before a State-wide general election or county bond election and closing at 6:00 p.m. on Wednesday before the election, the county board of elections shall hold public meetings on Monday and Friday of each week at 10:00 a.m. and it shall also hold public meetings at 10:00 a.m. on both Thursday and Monday immediately preceding election day."

Sec. 7. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 8. This Act shall be effective for any election arising on or after September 1, 1967.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 343 **CHAPTER 953**

AN ACT TO PROHIBIT THE KILLING OF BEARS OUT OF SEASON, EXCEPT WHEN CAUGHT IN THE ACT OF DESTROYING PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any other provisions of law, it shall be unlawful to take, trap, kill, or attempt to take, trap or kill bears in North Carolina except during the open seasons therefor as established by regulations of the Wildlife Resources Commission; provided, that when bears are found in the act of destroying, or attempting to destroy, real or personal property, such property owners may take such action as appears reasonable and necessary, including killing the bear, to protect their real or personal property. When a bear is killed out of season by a property owner while such bear is destroying or attempting to destroy real or personal property, a Wildlife Resources Commission representative shall be notified within 12 hours of said killing by the person killing the bear and the carcass of such bear shall be disposed of by gift to some recognized charitable institution located in the county where the bear was killed; provided further, that when there is evidence of depredation to crops or other real or personal property by bears, the Wildlife Resources Commission, in its discretion, may issue a permit authorizing the owner to take necessary and reasonable steps to prevent further depredations.

Sec. 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more

than one hundred dollars ($100.00) or imprisoned for not more than 60 days, or both fined and imprisoned, in the discretion of the court.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

NOTE: This Act is not effective until July 1, 1969.

H. B. 401 CHAPTER 954

AN ACT TO AMEND THE LAWS RELATING TO CIVIL PROCEDURE.

The General Assembly of North Carolina do enact:

Section 1. A new chapter is hereby inserted in the General Statutes of North Carolina, to read as follows:

"Chapter 1A

§ 1A-1. Rules of Civil Procedure. The Rules of Civil Procedure are as follows:

ARTICLE 1

Scope of Rules—One Form of Action

Rule 1

SCOPE OF RULES

These Rules shall govern the procedure in the Superior and District Courts of the State of North Carolina in all actions and proceedings of a civil nature except when a differing procedure is prescribed by statute.

Rule 2

ONE FORM OF ACTION

There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action.

ARTICLE 2

Commencement of Action; Service of Process, Pleadings, Motions, and Orders

Rule 3

COMMENCEMENT OF ACTION

A civil action is commenced by filing a complaint with the court. The clerk shall enter the date of filing on the original complaint, and such entry shall be prima facie evidence of the date of filing.

A civil action may also be commenced by the issuance of a summons

NOTE: This Act is not effective until July 1, 1969.

when (1) a person makes application to the court stating the nature and purpose of his action and requesting permission to file his complaint within 20 days and (2) the court makes an order stating the nature and purpose of the action and granting the requested permission. The summons and the court's order shall be served in accordance with the provisions of Rule 4. When the complaint is filed it shall be served in accordance with the provisions of Rule 4 or by registered mail if the plaintiff so elects. If the complaint is not filed within the period specified in the clerk's order, the action shall abate.

Rule 4

PROCESS

(a) Summons: Issuance; Who May Serve. Upon the filing of the complaint, summons shall be issued forthwith, and in any event within five days. The complaint and summons shall be delivered to some proper person for service. In this State, such proper person shall be the sheriff of the county where service is to be attempted or some other person duly authorized by law to serve summons. Outside this State, such proper person shall be anyone duly authorized to serve summons by the law of the place where service is to be attempted. Upon request of the plaintiff separate or additional summons shall be issued against any defendants. A summons is issued when, after being filled out and dated, it is signed by the officer having authority to do so. The date the summons bears shall be prima facie evidence of the date of issue.

(b) Summons: Contents. The summons shall run in the name of the State and be dated and signed by the clerk, assistant clerk, or deputy clerk of the court in the county in which the action is commenced. It shall contain the title of the cause and the name of the court and county wherein the action has been commenced. It shall be directed to the defendant or defendants and shall notify each defendant to appear and answer within 30 days after its service upon him and further that if he fails so to appear, the plaintiff will apply to the court for the relief demanded in the complaint. It shall set forth the name and address of plaintiff's attorney, or if there be none, the name and address of plaintiff.

(c) Summons: Return. Personal service or substituted personal service of summons as prescribed by Rule 4(j) (1) a and b, must be made within 30 days after the date of the issuance of summons, except that in tax and assessment foreclosures under G. S. 105-391 or G. S. 105-414 the time allowed for service is 60 days. But failure to make service within the time allowed shall not invalidate the summons. If the summons is not served within the time allowed upon every party named in the summons, it shall be returned immediately upon the expiration of such time by the officer to the clerk of the court who issued it with notation thereon of its nonservice and the reasons therefor as to every such party not served, but failure to comply with this requirement shall not invalidate the summons.

(d) Summons: Extension; Endorsement, Alias and Pluries. When any defendant in a civil action is not served within the time allowed for service,

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the action may be continued in existence as to such defendant by either of the following methods of extension:

(1) The plaintiff may secure an endorsement upon the original summons for an extension of time within which to complete service of process. Return of the summons so endorsed shall be in the same manner as the original process. Such endorsement may be secured within 90 days after the issuance of summons or the date of the last prior endorsement, or

(2) The plaintiff may sue out an alias or pluries summons returnable in the same manner as the original process. Such alias or pluries summons may be sued out at any time within 90 days after the date of issue of the last preceding summons in the chain of summonses or within 90 days of the last prior endorsement.

Provided, in tax and assessment foreclosures under G. S. 105-391 and G. S. 105-414, the first endorsement may be made at any time within two years after the issuance of the original summons, and subsequent endorsements may thereafter be made as in other actions; or an alias or pluries summons may be sued out at any time within two years after the issuance of the original summons, and after the issuance of such alias or pluries summons, the chain of summonses may be kept up as in any other action.

Provided, further, the methods of extension may be used interchangeably in any case and regardless of the form of the preceding extension.

(e) Summons: Discontinuance. When there is neither endorsement by the clerk nor issuance of alias or pluries summons within the time specified in Rule 4 (d), the action is discontinued as to any defendant not theretofore served with summons within the time allowed. Thereafter, alias or pluries summons may issue, or an extension be endorsed by the clerk, but, as to such defendant, the action shall be deemed to have commenced on the date of such issuance or endorsement.

(f) Summons: Date of Multiple Summonses. If the plaintiff shall cause separate or additional summonses to be issued as provided in Rule 4 (a), the date of issuance of such separate or additional summonses shall be considered the same as that of the original summons for purposes of endorsement or alias summons under Rule 4 (d).

(g) Summons: Docketing by Clerk. The clerk shall keep a record in which he shall note the day and hour of issuance of every summons, whether original, alias, pluries, or endorsement thereon. When the summons is returned, the clerk shall note on the record the date of the return and the fact as to service or non-service.

(h) Summons: When Proper Officer Not Available. If at any time there is not in a county a proper officer, capable of executing process, to whom summons or other process can be delivered for service, or if a proper officer refuses or neglects to execute such process, or if such officer is a party to or otherwise interested in the action or proceeding, the clerk of the issuing court, upon the facts being verified before him by written affidavit of the plaintiff or his agent or attorney, shall appoint some suitable person who, after he accepts such process for service, shall execute such process in the same manner, with like effect, and subject to

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the same liabilities, as if such person were a proper officer regularly serving process in that county.

(i) Summons: Amendment. At any time, before or after judgment, in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to substantial rights of the party against whom the process issued.

(j) Process: Manner of Service to Exercise Personal Jurisdiction. In any action commenced in a court of this State having jurisdiction of the subject matter and grounds for personal jurisdiction as provided in G. S. 1-75.4, the manner of service of process shall be as follows:

(1) Natural Person. Except as provided in subsection (2) below, upon a natural person:

a. By delivering a copy of the summons and of the complaint to the defendant personally either within or without this State.

b. If with reasonable diligence the defendant cannot be served under paragraph a, then by leaving a copy of the summons and of the complaint at the defendant's usual place of abode with some person of suitable age and discretion then residing therein.

c. If with reasonable diligence the defendant cannot be served under paragraph a or b, and if the plaintiff files with the court an affidavit to that effect, then process may be served by publication and mailing. Service of process by publication shall consist of publishing a notice of service of process by publication in a newspaper published in this State likely to give notice to the defendant once a week for three successive weeks. If the defendant's post office address is known or can with reasonable diligence be ascertained, there shall be mailed to the defendant at or immediately prior to the first publication a copy of the notice of service of process by publication. The mailing may be omitted if the post office address cannot be ascertained with reasonable diligence.

The notice of service of process by publication shall (i) designate the court in which the action has been commenced and the title of the action which title may be indicated sufficiently by the name of the first plaintiff and the first defendant; (ii) be directed to the defendant sought to be served; (iii) state either that a pleading seeking relief against the person to be served has been filed or has been required to be filed therein not later than a date specified in the notice; (iv) state the nature of the relief being sought; (v) require the defendant being so served to make defense to such pleading, within 40 days after a date stated in the notice, exclusive of such date, which date so stated shall be the date of the first publication of notice, or the date when the complaint is required to be filed, whichever is later, and notify the defendant that upon his failure to do so the party seeking service of process by publication will apply to the court for the relief sought; (vi) be subscribed by the party seeking service or his attorney and give the post office address of such party or his attorney; and (vii) be substantially in the following form:

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NOTICE OF SERVICE OF PROCESS BY PUBLICATION

STATE OF NORTH CAROLINA

.....COUNTY

In the ..... Court

[Title of action or special proceeding]

To.....[Person to be served].....:

Take notice that

A pleading seeking relief against you (has been filed) (is required to be filed not later than ....., 19.....) in the above-entitled (action) (special proceeding).

The nature of the relief being sought is as follows: (State nature.)

You are required to make defense to such pleading not later than ....., 19....., and upon your failure to do so the party seeking service against you will apply to the court for the relief sought.

This, the ..... day of ....., 19.....

..... (Attorney) (Party)

..... (Address)

d. In any case, by serving process in a manner specified by any statute upon the defendant or upon an agent authorized by appointment or by law to be served or to accept service of process for the defendant.

(2) Natural Person Under Disability. Upon a natural person under disability by serving process in any manner prescribed in subsection (1) upon such person under disability and, in addition, where required by paragraph a or b below, upon a person therein designated. A minor 14 years of age or older who is not mentally incompetent and not otherwise under guardianship is not a person under disability for purposes of this subsection.

a. Where the person under disability is a minor under the age of 14 years, process shall be served separately in any manner prescribed in subsection (1) upon a parent or guardian having custody of the child, or if there be none, upon any other person having the care and control of the child. If there is no parent, guardian, or other person having care and control of the child when service is made upon the child, then service of process must also be made upon a guardian ad litem who has been appointed pursuant to Rule 17.

b. If the plaintiff actually knows that a person under disability is under guardianship of any kind, process shall be served separately upon his guardian in the manner applicable and appropriate under subsection (1), (6), (7), or (8). If the plaintiff does not actually know that a guardian has been appointed when service is made upon a person known to him to be incompetent to have charge of his affairs, then service of process must be made upon a guardian ad litem who has been appointed pursuant to Rule 17.

(3) The State. Upon the State by personally delivering a copy of the summons and of the complaint to the attorney general or to a deputy or assistant attorney general.

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(4) An Agency of the State. a. Upon an agency of the State by personally delivering a copy of the summons and of the complaint to the process agent appointed by the agency in the manner hereinafter provided.

b. Every agency of the State shall appoint a process agent by filing with the attorney general the name and address of an agent upon whom process may be served.

c. If any agency of the State fails to comply with paragraph (b) above, then service upon such agency may be made by personally delivering a copy of the summons and of the complaint to the attorney general or to a deputy or assistant attorney general.

d. For purposes of this Rule, the term "agency of the State" includes every agency, institution, board, commission, bureau, department, division, council, member of Council of State, or officer of the State government of the State of North Carolina, but does not include counties, cities, towns, villages, other municipal corporations or political subdivisions of the State, county or city boards of education, other local public districts, units, or bodies of any kind, or private corporations created by Act of the General Assembly.

(5) Counties, Cities, Towns, Villages and Other Local Public Bodies. a. Upon a city, town, or village by personally delivering a copy of the summons and of the complaint to its mayor, city manager or clerk.

b. Upon a county by personally delivering a copy of the summons and of the complaint to its county manager or to the chairman, clerk or any member of the board of commissioners for such county.

c. Upon any other political subdivision of the State, any county or city board of education, or other local public district, unit, or body of any kind (i) by personally delivering a copy of the summons and of the complaint to an officer or director thereof, or (ii) by personally delivering a copy of the summons and of the complaint to an agent or attorney in fact authorized by appointment or by statute to be served or to accept service in its behalf.

d. In any case where none of the officials, officers or directors specified in paragraphs a, b and c can, after due diligence, be found in the State, and that fact appears by affidavit to the satisfaction of the court, or a judge thereof, such court or judge may grant an order that service upon the party sought to be served may be made by personally delivering a copy of the summons and of the complaint to the Attorney General or any deputy or Assistant Attorney General of the State of North Carolina.

(6) Domestic or Foreign Corporation, Generally. Upon a domestic or foreign corporation:

a. By personally delivering a copy of the summons and of the complaint to an officer, director, or managing agent of the corporation either within or without this State. In lieu of delivering the copy of the summons and the complaint to the person above specified, the copies may be left in the office of such officer, director, or managing agent with the person who is apparently in charge of the office.

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b. If with reasonable diligence the defendant cannot be served under paragraph a, then process may be served upon the corporation by publication as provided in paragraph c of subsection (1), and mailing the required notice to an officer, director, or managing agent of the corporation.

c. By serving process in a manner specified by any other statute upon the defendant or upon an agent authorized by appointment or by law to be served or to accept service of process for the defendant.

d. If against any domestic or foreign insurance corporation, process may also be served upon any agent of such corporation as defined by the insurance laws of this State. Service upon such agent of a domestic or foreign insurance corporation is not valid unless a copy of the summons and proof of service is sent by registered mail to the principal place of business of such corporation within five days after service upon the agent.

(7) Partnerships. Upon a general or limited partnership: a. By personally delivering a copy of the summons and of the complaint within or without the State to any general partner, or to any attorney in fact or agent authorized by appointment or by law to be served or to accept service of process in its behalf. In lieu of delivering the copy of the summons and the complaint to the person above specified, the copies may be left in the office of such general partner, attorney in fact or agent with the person who is apparently in charge of the office.

b. If with reasonable diligence the defendant cannot be served under paragraph a, then process may be served upon the partnership by publication as provided in paragraph c of subsection (1) and mailing the required notice to any general partner, or to an attorney in fact or agent authorized by appointment or by law to be served or to accept service of process in its behalf.

c. If relief is sought against a partner specifically, a copy of the summons and of the complaint must be served on such partner as provided in the applicable preceding subdivision of Rule 4 (j).

(8) Other Unincorporated Associations and Their Officers. Upon any unincorporated association, organization or society other than a partnership: a. By personally delivering a copy of the summons and of the complaint to an officer, director, managing agent or member of the governing body of the unincorporated association, organization or society either within or without this State. In lieu of delivering a copy of the summons and the complaint to the person above specified, the copies may be left in the office of such officer, director, managing agent or member of the governing body with the person who is apparently in charge of the office.

b. If with reasonable diligence the defendant cannot be served under paragraph a, then process may be served upon the unincorporated association by publication as provided in paragraph c of subsection (1), and mailing the required notice to an officer, director, managing agent or member of the governing body of the unincorporated association.

c. By serving process in a manner specified by any other statute upon the defendant or upon an agent authorized by appointment or by law to be served or to accept service of process for the defendant.

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(k) Process: Manner of Service to Exercise Jurisdiction in Rem or Quasi in Rem. In any action commenced in a court of this State having jurisdiction of the subject matter and grounds for the exercise of jurisdiction in rem or quasi in rem as provided in G. S. 1-75.8, the manner of service of process shall be as follows:

(1) Defendant Known. If the defendant is known, he may be served in the appropriate manner prescribed for service of process in Section (j).

(2) Defendant Unknown. If the defendant is unknown, he may be designated by description and process may be served by publication in the manner provided in Section (j).

Rule 5

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a) Service: When Required. Every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, and similar paper shall be served upon each of the parties, but no service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

(b) Service: How Made. A pleading setting forth a counterclaim or crossclaim shall be filed with the court and a copy thereof shall be served on the party against whom it is asserted or on his attorney of record in the manner provided for service of process in Rule 4. Written return shall be made by the officer making or attempting to make service thereof, but failure to make return shall not invalidate the service. With respect to all other pleadings subsequent to the original complaint and other papers required or permitted to be served, service with due return may be made in the manner provided for service and return of process in Rule 4 and may be made upon either the party or, unless service upon the party himself is ordered by the court, upon his attorney of record. With respect to such other pleadings and papers, service upon the attorney or upon a party may also be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by filing it with the clerk of court. Delivery of a copy within this Rule means handing it to the attorney or to the party; or leaving it at the attorney's office with a partner or employee. Service by mail shall be complete upon deposit of the pleading or paper enclosed in a postpaid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Post Office Department.

(c) Service: Numerous Defendants. In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any crossclaim, counterclaim, or matter constituting an avoidance or affirm-

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ative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs.

(d) Filing. All pleadings subsequent to the complaint shall be filed with the court. All other papers required to be served upon a party shall be filed with the court either before service or within five days thereafter. With respect to all pleadings and other papers as to which service and return has not been made in the manner provided in Rule 4, proof of service shall be made by filing with the court a certificate either by the attorney or the party that the paper was served in the manner prescribed by this Rule, or a certificate of acceptance of service by the attorney or the party to be served. Such certificate shall show the date and method of service or the date of acceptance of service.

(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these Rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk.

Rule 6

TIME

(a) Computation. In computing any period of time prescribed or allowed by these Rules, by order of court, or by any applicable statute, including Rules, orders or statutes respecting publication of notices, the day of the act, event, default or publication after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) Enlargement. When by these Rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order. Upon motion made after the expiration of the specified period, the judge may permit the act to be done where the failure to act was the result of excusable neglect. Notwithstanding any other provisions of this Rule, the parties may enter into binding stipulations without approval of the court enlarging the time, not to exceed in the aggregate 30 days, within which an act is required or allowed to be done under these Rules, provided, however, that neither the court nor the parties may extend the time for taking any action under

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Rules 50(b), 52, 59(b), (d), (e), 60(b), except to the extent and under the conditions stated in them.

(c) Unaffected by Expiration of Session. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the continued existence or expiration of a session of court. The continued existence or expiration of a session of court in no way affects the power of a court to do any act or take any proceeding, but no issue of fact shall be submitted to a jury out of session.

(d) For Motions; Affidavits. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than five days before the time specified for the hearing, unless a different period is fixed by these Rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; and except as otherwise provided in Rule 59(c), opposing affidavits may unless the court permits them to be served at some other time be served not later than one day before the hearing.

(e) Additional Time After Service by Mail. Whenever a party has the right to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three days shall be added to the prescribed period.

ARTICLE 3

Pleadings and Motions

Rule 7

PLEADINGS ALLOWED; FORM OF MOTIONS

(a) Pleadings. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a crossclaim, if the answer contains a crossclaim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed except that the court may order a reply to an answer or a third-party answer.

(b) Motions and Other Papers.

(1) An application to the court for an order shall be by motion which, unless made during a hearing or trial or at a session at which a cause is on the calendar for that session, shall be made in writing, shall state the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.

(2) The Rules applicable to captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these Rules.

(3) A motion to transfer under G. S. 7A-258 shall comply with the directives therein specified but the relief thereby obtainable may also be sought in a responsive pleading pursuant to Rule 12(b).

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(c) Demurrers, Pleas, Etc., Abolished. Demurrers, pleas, and exceptions for insufficiency shall not be used.

(d) Pleadings Not Read to Jury. Unless otherwise ordered by the judge, pleadings shall not be read to the jury.

Rule 8

GENERAL RULES OF PLEADINGS

(a) Claims for Relief. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, crossclaim, or third-party claim, shall contain (1) a short and plain statement of the claim sufficiently particular to give the court and the parties notice of the transactions, occurrences, or series of transactions or occurrences, intended to be proved showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief to which he deems himself entitled. Relief in the alternative or of several different types may be demanded.

(b) Defenses; Form of Denials. A party shall state in short and plain terms his defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If he is without knowledge or information sufficient to form a belief as to the truth of an averment, he shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part of or a qualification of an averment, he shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments except such designated averments or paragraphs as he expressly admits; but, when he does so intend to controvert all its averments, he may do so by general denial subject to the obligations set forth in Rule 11.

(c) Affirmative Defenses. In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, truth in actions for defamation, usury, waiver, and any other matter constituting an avoidance or affirmative defense. Such pleading shall contain a short and plain statement of any matter constituting an avoidance or affirmative defense sufficiently particular to give the court and the parties notice of the transactions, occurrences, or series of transactions or occurrences, intended to be proved. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court, on terms, if justice so requires, shall treat the pleading as if there had been a proper designation.

(d) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Aver-

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ments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.

(e) Pleading to be Concise and Direct; Consistency. (1) Each averment of a pleading shall be simple, concise, and direct. No technical forms of pleading or motions are required.

(2) A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in Rule 11.

(f) Construction of Pleadings. All pleadings shall be so construed as to do substantial justice.

Rule 9

PLEADING SPECIAL MATTERS

(a) Capacity. Any party not a natural person shall make an affirmative averment showing its legal existence and capacity to sue. Any party suing in any representative capacity shall make an affirmative averment showing his capacity and authority to sue. When a party desires to raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, he shall do so by specific negative averment, which shall include such supporting particulars as are peculiarly within the pleader's knowledge.

(b) Fraud, Duress, Mistake, Condition of the Mind. In all averments of fraud, duress or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally.

(c) Conditions Precedent. In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of performance or occurrence shall be made specifically and with particularity.

(d) Official Document or Act. In pleading an official document or official act it is sufficient to aver that the document was issued or the act done in compliance with law.

(e) Judgment. In pleading a judgment, decision or ruling of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it is sufficient to aver the judgment, decision or ruling without setting forth matter showing jurisdiction to render it.

(f) Time and Place. For the purpose of testing the sufficiency of a pleading, averments of time and place are material and shall be considered like all other averments of material matter.

(g) Special Damage. When items of special damage are claimed each shall be averred.

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(h) Private Statutes. In pleading a private statute or right derived therefrom it is sufficient to refer to the statute by its title or the day of its ratification, and the court shall thereupon take judicial notice of it.

(i) Libel and Slander. (1) In an action for libel or slander it is not necessary to state in the complaint any extrinsic facts for the purpose of showing the application to the plaintiff of the defamatory matter out of which the claim for relief arose, but it is sufficient to state generally that the same was published or spoken concerning the plaintiff; and if such allegation is controverted, the plaintiff is bound to establish on trial that it was so published or spoken.

(2) The defendant may in his answer allege both the truth of the matter charged as defamatory, and any mitigating circumstances to reduce the amount of damages; and whether he proves the justification or not, he may give in evidence the mitigating circumstances.

Rule 10

FORM OF PLEADINGS

(a) Caption; Names of Parties. Every pleading shall contain a caption setting forth the division of the court in which the action is filed, the title of the action, and a designation as in Rule 7(a). In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties.

(b) Paragraphs; Separate Statement. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion in the action. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

Rule 11

SIGNING AND VERIFICATION OF PLEADINGS

(a) Signing by Attorney. Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address. Except when otherwise specifically provided by these Rules or by statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good

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ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this Rule, it may be stricken as sham and false and the action may proceed as though the pleading had not been served.

(b) Verification of Pleadings by a Party. In any case in which verification of a pleading shall be required by these Rules or by statute, it shall state in substance that the contents of the pleading verified are true to the knowledge of the person making the verification, except as to those matters stated on information and belief, and as to those matters he believes them to be true. Such verification shall be by affidavit of the party, or if there are several parties united in interest and pleading together, by at least one of such parties acquainted with the facts and capable of making the affidavit. Such affidavit may be made by the agent or attorney of a party in the cases and in the manner provided in Section (c) of this Rule.

(c) Verification of Pleadings by an Agent or Attorney. Such verification may be made by the agent or attorney of a party for whom the pleading is filed, if the action or defense is founded upon a written instrument for the payment of money only and the instrument or a true copy thereof is in the possession of the agent or attorney, or if all the material allegations of the pleadings are within the personal knowledge of the agent or attorney. When the pleading is verified by such agent or attorney, he shall set forth in the affidavit: (1) that the action or defense is founded upon a written instrument for the payment of money only and the instrument or a true copy thereof is in his possession, or

(2)(a) that all the material allegations of the pleadings are true to his personal knowledge and

(b) the reasons why the affidavit is not made by the party.

(d) Verification by Corporation or the State. When a corporation is a party the verification may be made by any officer, or managing or local agent thereof upon whom summons might be served; and when the State or any officer thereof in its behalf is a party, the verification may be made by any person acquainted with the facts.

Rule 12

DEFENSES AND OBJECTIONS—WHEN AND HOW PRESENTED BY PLEADING OR MOTION

MOTION FOR JUDGMENT ON PLEADING

(a) (1) When Presented. A defendant shall serve his answer within 30 days after service of the summons and complaint upon him. A party served with a pleading stating a crossclaim against him shall serve an answer thereto within 30 days after service upon him. The plaintiff shall serve his reply to a counterclaim in the answer within 30 days after service of the answer or, if a reply is ordered by the court, within 30 days after service of the order, unless the order otherwise directs. Service of a motion permitted under this Rule alters these periods of time as follows,

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unless a different time is fixed by order of the court: (1) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleading shall be served within 20 days after notice of the court's action; (2) if the court grants a motion for a more definite statement, the responsive pleading shall be served within 20 days after service of the more definite statement.

(2) Cases Removed to United States District Court. Upon the filing in a district court of the United States of a petition for the removal of a civil action or proceeding from a court in this State and the filing of a copy of the petition in the State court, the State court shall proceed no further therein unless and until the case is remanded. If it shall be finally determined in the United States courts that the action or proceeding was not removable or was improperly removed, or for other reason should be remanded, and a final order is entered remanding the action or proceeding to the State court, the defendant or defendants, or any other party who would have been permitted or required to file a pleading had the proceedings to remove not been instituted, shall have 30 days after the filing in such State court of a certified copy of the order of remand to file motions and to answer or otherwise plead.

(b) How Presented. Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, crossclaim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defense may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue or division, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a claim upon which relief can be granted, (7) failure to join a necessary party. A motion making any of these defenses shall be made before pleading if a further pleading is permitted. The consequences of failure to make such a motion shall be as provided in Sections (g) and (h). No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. If a pleading sets forth a claim for relief to which the adverse party is not required to serve a responsive pleading, he may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense, numbered (6), to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

(c) Motion for Judgment on the Pleadings. After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings. If, on a motion for judgment on the pleadings, matters outside the pleadings are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reason-

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able opportunity to present all material made pertinent to such a motion by Rule 56.

(d) Preliminary Hearings. The defenses specifically enumerated (1) through (7) in Section (b) of this Rule, whether made in a pleading or by motion, and the motion for judgment on the pleadings mentioned in Section (c) of this Rule shall be heard and determined before trial on application of any party, unless the judge orders that the hearing and determination thereof be deferred until the trial.

(e) Motion for More Definite Statement. If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, he may move for a more definite statement before interposing his responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the judge is not obeyed within 20 days after notice of the order or within such other time as the judge may fix, the judge may strike the pleading to which the motion was directed or make such order as he deems just.

(f) Motion to Strike. Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these Rules, upon motion made by a party within 30 days after the service of the pleading upon him or upon the judge's own initiative at any time, the judge may order stricken from any pleading any insufficient defense or any redundant, irrelevant, immaterial, impertinent, or scandalous matter.

(g) Consolidation of Defenses in Motion. A party who makes a motion under this Rule may join with it any other motions herein provided for and then available to him. If a party makes a motion under this Rule but omits therefrom any defense or objection then available to him which this Rule permits to be raised by motion, he shall not thereafter make a motion based on the defense or objection so omitted, except a motion as provided in Section (h) (2) hereof on any of the grounds there stated.

(h) Waiver or Preservation of Certain Defenses. (1) A defense of lack of jurisdiction over the person, improper venue, insufficiency of process, or insufficiency of service of process is waived (i) if omitted from a motion in the circumstances described in Section (g), or (ii) if it is neither made by motion under this Rule nor included in a responsive pleading or an amendment thereof permitted by Rule 15 (a) to be made as a matter of course.

(2) A defense of failure to state a claim upon which relief can be granted, a defense of failure to join a necessary party, and an objection of failure to state a legal defense to a claim may be made in any pleading permitted or ordered under Rule 7(a), or by motion for judgment on the pleadings, or at the trial on the merits.

(3) Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

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Rule 13

COUNTERCLAIM AND CROSSCLAIM

(a) Compulsory Counterclaims. A pleading shall state as a counterclaim any claim which at the time of serving the pleading the pleader has against any opposing party, if it arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and does not require for its adjudication the presence of third parties of whom the court cannot acquire jurisdiction. But the pleader need not state the claim if (1) at the time the action was commenced the claim was the subject of another pending action, or (2) the opposing party brought suit upon his claim by attachment or other process by which the court did not acquire jurisdiction to render a personal judgment on that claim, and the pleader is not stating any counterclaim under this Rule.

(b) Permissive Counterclaims. A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim.

(c) Counterclaim Exceeding Opposing Claim. A counterclaim may or may not diminish or defeat the recovery sought by the opposing party. It may claim relief exceeding in amount or different in kind from that sought in the pleading of the opposing party.

(d) Counterclaim Against the State of North Carolina. These Rules shall not be construed to enlarge beyond the limits fixed by law the right to assert counterclaims or to claim credit against the State of North Carolina or an officer or agency thereof.

(e) Counterclaim Maturing or Acquired After Pleading. A claim which either matured or was acquired by the pleader after serving his pleading may, with the permission of the court, be presented as a counterclaim by supplemental pleading.

(f) Omitted Counterclaim. When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, he may by leave of court set up the counterclaim by amendment.

(g) Crossclaim Against Co-Party. A pleading may state as a crossclaim any claim by one party against a co-party arising out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim therein or relating to any property that is the subject matter of the original action. Such crossclaim may include a claim that the party against whom it is asserted is or may be liable to the crossclaimant for all or part of a claim asserted in the action against the crossclaimant.

(h) Additional Parties May be Brought in. When the presence of parties other than those to the original action is required for the granting of complete relief in the determination of a counterclaim or crossclaim, the court shall order them to be brought in as defendants as provided in these Rules, if jurisdiction of them can be obtained.

(i) Separate Trial; Separate Judgment. If the court orders separate trials as provided in Rule 42(b), judgment on a counterclaim or crossclaim

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may be rendered in accordance with the terms of Rule 54(b) when the court has jurisdiction so to do, even if the claims of the opposing party have been dismissed or otherwise disposed of.

Rule 14

THIRD-PARTY PRACTICE

(a) When Defendant May Bring in Third Party. At any time after commencement of the action a defendant, as a third-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. Leave to make the service need not be obtained if the third-party complaint is filed not later than five days after the answer to the complaint is served. Otherwise leave must be obtained on motion upon notice to all parties to the action. The person served with the summons and third-party complaint, hereinafter called the third-party defendant, shall make his defense to the third-party plaintiff's claim as provided in Rule 12 and his counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant thereupon shall assert his defenses as provided in Rule 12 and his counterclaims and crossclaims as provided in Rule 13. Any party may move for severance, separate trial, or dismissal of the third-party claim. A third-party defendant may proceed under this Rule against any person not a party to the action who is or may be liable to him for all or part of the claim made in the action against the third-party defendant.

(b) When Plaintiff May Bring in Third Party. When a counterclaim is asserted against a plaintiff, he may cause a third party to be brought in under circumstances which under this Rule would entitle a defendant to do so.

Rule 15

AMENDED AND SUPPLEMENTAL PLEADINGS

(a) Amendments. A party may amend his pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, he may so amend it at any time within 30 days after it is served. Otherwise a party may amend his pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires. A party

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shall plead in response to an amended pleading within 30 days after service of the amended pleading, unless the court otherwise orders.

(b) Amendments to Conform to the Evidence. When issues not raised by the pleadings are tried by the express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, either before or after judgment, but failure so to amend does not affect the result of the trial of these issues. If evidence is objected to at the trial on the ground that it is not within the issues raised by the pleadings, the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits. The court may grant a continuance to enable the objecting party to meet such evidence.

(c) Relation Back of Amendments. A claim asserted in an amended pleading is deemed to have been interposed at the time the claim in the original pleading was interposed, unless the original pleading does not give notice of the transactions, occurrences, or series of transactions or occurrences, to be proved pursuant to the amended pleading.

(d) Supplemental Pleadings. Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions or occurrences or events which may have happened since the date of the pleading sought to be supplemented, whether or not the original pleading is defective in its statement of a claim for relief or defense. If the court deems it advisable that the adverse party plead thereto, it shall so order, specifying the time therefor.

Rule 16

PRE-TRIAL PROCEDURE; FORMULATING ISSUES

In any action, the judge may in his discretion direct the attorneys for the parties to appear before him for a conference to consider

(1) The simplification and formulation of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(4) The limitation of the number of expert witnesses;

(5) The advisability or necessity of a reference of the case, either in whole or in part;

(6) Matters of which the court is to be asked to take judicial notice;

(7) Such other matters as may aid in the disposition of the action.

If a conference is held, the judge may make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered controls

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the subsequent course of the action, unless modified at the trial to prevent manifest injustice. If any issue for trial as stated in the order is not raised by the pleadings in accordance with the provisions of Rule 8, upon motion of any party, the order shall require amendment of the pleadings.

ARTICLE 4

Parties

Rule 17

PARTIES PLAINTIFFS AND DEFENDANT; CAPACITY

(a) Real Party in Interest. Every claim shall be prosecuted in the name of the real party in interest; but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action is brought; and when a statute of the State so provides, an action for the use or benefit of another shall be brought in the name of the State of North Carolina.

(b) Infants, Incompetents, Etc.:

(1) Infants, Etc., Sue by Guardian or Guardian Ad Litem. In actions or special proceedings when any of the parties plaintiff are infants or incompetent persons, whether residents or nonresidents of this State, they must appear by general or testamentary guardian, if they have any within the State or by guardian ad litem appointed as hereinafter provided; but if the action or proceeding is against such guardian, or if there is no such known guardian, then such persons may appear by guardian ad litem. The duty of the State solicitors to prosecute in the cases specified in Chapter 33 of the General Statutes, entitled 'Guardian and Ward', is not affected by this Section.

(2) Infants, Etc., Defend by Guardian Ad Litem. In actions or special proceedings when any of the defendants are infants or incompetent persons, whether residents or nonresidents of this State, they must defend by general or testamentary guardian, if they have any within this State or by guardian ad litem appointed as hereinafter provided; and if they have no known general or testamentary guardian in the State, and any of them have been summoned, the court in which said action or special proceeding is pending, upon motion of any of the parties, may appoint some discreet person to act as guardian ad litem, to defend in behalf of such infants, or incompetent persons, and fix and tax his fee as part of the costs. The guardian so appointed shall, if the cause is a civil action, file his answer to the complaint within the time required for other defendants, unless the time is extended by the court; and if the cause is a special proceeding, a copy of the complaint, with the summons, must be served on him. After 20 days' notice of the summons and complaint in the special proceeding, and after answer filed as above prescribed in the civil action, the court may proceed to final judgment as effectually and in the

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same manner as if there had been personal service upon the said infant or incompetent persons or defendants.

(3) Appointment of Guardian Ad Litem Notwithstanding the Existence of a General or Testamentary Guardian. Notwithstanding the provisions of subsections (b) (1) and (b) (2), a guardian ad litem for an infant or incompetent person may be appointed in any case when it is deemed by the court in which the action is pending expedient to have the infant, or insane or incompetent person so represented, notwithstanding such person may have a general or testamentary guardian.

(4) Appointment of Guardian Ad Litem for Unborn Persons. In all actions in rem and quasi in rem and in all actions and special proceedings which involve the construction of wills, trusts and contracts or any instrument in writing, or which involve the determination of the ownership of property or the distribution of property, if there is a possibility that some person may thereafter be born who, if then living, would be a necessary or proper party to such action or special proceeding, the court in which said action or special proceeding is pending, upon motion of any of the parties or upon its own motion, may appoint some discreet person guardian ad litem to defend on behalf of such unborn person. Service upon the guardian ad litem appointed for such unborn person shall have the same force and effect as service upon such unborn person would have had if such person had been living. All proceedings by and against the said guardian ad litem after appointment shall be governed by all provisions of the law applicable to guardians ad litem for living persons.

(5) Appointment of Guardian Ad Litem for Corporations, Trusts, or Other Entities Not in Existence. In all actions which involve the construction of wills, trusts, contracts or written instruments, or the determination of the ownership of property or the disposition or distribution of property pursuant to the provisions of a will, trust, contract or written instrument, if such will, trust, contract or written instrument provides benefits for dispositions or distribution of property to a corporation, a trust, or an entity thereafter to be formed for the purpose of carrying into effect some provision of the said will, trust, contract or written instrument, the court in which said action or special proceeding is pending, upon motion of any of the parties or upon its own motion, may appoint some discreet person guardian ad litem for such corporation, trust or other entity. Service upon the guardian ad litem appointed for such corporation, trust or other entity shall have the same force and effect as service upon such corporation, trust or entity would have had if such corporation, trust or other entity had been in existence. All proceedings by and against the said guardian ad litem after appointment shall be governed by all provisions of the law applicable to guardians ad litem for living persons.

(6) Miscellaneous Provisions. The provisions of this Rule are in addition to any other remedies or procedures authorized or permitted by law, and it shall not be construed to repeal or to limit the doctrine of virtual representation or any other law or rule of law by which unborn persons or nonexistent corporations, trusts or other entities may be represented in or bound by any judgment or order entered in any action or

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special proceeding. This Rule shall apply to all pending actions and special proceedings to which it may be constitutionally applicable. All judgments and orders heretofore entered in any action in which a guardian or guardians ad litem have been appointed for any unborn person or persons or any nonexistent corporations, trusts or other entities, are hereby validated as of the several dates of entry thereof in the same manner and to the full extent that they would have been valid if this Rule had been in effect at the time of the appointment of such guardians ad litem; provided, however, that the provisions of this sentence shall be applicable only in such cases and to the extent to which the application thereof shall not be prevented by any constitutional limitation.

(c) Guardian Ad Litem for Infants, Insane or Incompetent Persons; Appointment Procedure. When a guardian ad litem is appointed to represent an infant or insane or incompetent person, he must be appointed as follows:

(1) When an infant or insane or incompetent person is plaintiff, the appointment shall be made at any time prior to or at the time of the commencement of the action, upon the written application of any relative or friend of said infant or insane or incompetent person or by the court on its own motion.

(2) When an infant is defendant and service under Rule 4(j) (1)a or Rule 4(j) (1)b is made upon him the appointment may be made upon the written application of any relative or friend of said infant, or, if no such application is made within 10 days after service of summons, upon the written application of any other party to the action or, at any time by the court on its own motion.

(3) When an infant or insane or incompetent person is defendant and service can be made upon him only by publication, the appointment may be made upon the written application of any relative or friend of said infant, or upon the written application of any other party to the action, or by the court on its own motion, at any time after the filing of the affidavit required by Rule 4(j) (1)c and before completion of publication, whereupon service of the summons with copy of the complaint shall be made forthwith upon said guardian so appointed requiring him to make defense at the same time that the defendant is required to make defense in the notice of publication.

(4) When an insane or incompetent person is defendant and service by publication is not required, the appointment may be made upon the written application of any relative or friend of said defendant, or upon the written application of any other party to the action, or by the court on its own motion, prior to or at the time of the commencement of the action, and service upon the insane or incompetent defendant may thereupon be dispensed with by order of the court making such appointment.

(d) Guardian Ad Litem for Persons Not Ascertained or for Persons, Trusts or Corporations Not in Being. When under the terms of a written instrument, or for any other reason, a person or persons who are not in being, or any corporation, trust, or other legal entity which is not in being, may be or may become legally or equitably interested in any property,

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real or personal, the court in which an action or proceeding of any kind relative to or affecting such property is pending, may, upon the written application of any party to such action or proceeding or of other person interested, appoint a guardian ad litem to represent such person or persons not ascertained or such persons, trusts or corporations not in being.

(e) Duty of Guardian Ad Litem; Effect of Judgment or Decree Where Party Represented by Guardian Ad Litem. Any guardian ad litem appointed for any party pursuant to any of the provisions of this Rule shall file and serve such pleadings as may be required within the times specified by these Rules, unless extension of time is obtained. After the appointment of a guardian ad litem under any provision of this Rule and after the service and filing of such pleadings as may be required by such guardian ad litem, the court may proceed to final judgment, order or decree against any party so represented as effectually and in the same manner as if said party had been under no legal disability, had been ascertained and in being, and had been present in court after legal notice in the action in which such final judgment, order or decree is entered.

Rule 18

JOINDER OF CLAIMS AND REMEDIES

(a) Joinder of Claims. The plaintiff in his complaint or in a reply setting forth a counterclaim and the defendant in an answer setting forth a counterclaim may join either as independent or as alternate claims as many claims either legal or equitable or both as he may have against an opposing party. There may be a like joinder of claims when there are multiple parties if the requirements of Rules 19, 20, and 22 are satisfied. There may be a like joinder of crossclaims or third-party claims if the requirements of Rules 13 and 14 are satisfied.

(b) Joinder of Remedies; Fraudulent Conveyances. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the two claims may be joined in a single action; but the court shall grant relief in that action only in accordance with the relative substantive rights of the parties. In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance fraudulent as to him, without first having obtained a judgment establishing the claim for money.

Rule 19

NECESSARY JOINDER OF PARTIES

(a) Necessary Joinder. Subject to the provisions of Rule 23, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of anyone who should have been joined as plaintiff cannot be obtained he may be made a defendant, the reason therefor being stated in the complaint; provided, however, in all cases of joint contracts, a claim may be asserted against all or any number of the persons making such contracts.

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(b) Joinder of Parties Not United in Interest. The court may determine any claim before it when it can do so without prejudice to the rights of any party or to the rights of others not before the court; but when a complete determination of such claim cannot be made without the presence of other parties, the court shall order such other parties summoned to appear in the action.

(c) Same: Names of Omitted Persons and Reasons for Nonjoinder to be Pleaded. In any pleading in which relief is asked, the pleader shall set forth the names, if known to him, of persons who ought to be parties if complete relief is to be accorded between those already parties, but who are not joined, and shall state why they are omitted.

Rule 20

PERMISSIVE JOINDER OF PARTIES

(a) Permissive Joinder. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all parties will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and of any question of law or fact common to all parties will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(b) Separate Trial. The court shall make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom he asserts no claim and who asserts no claim against him, and shall order separate trials or make other orders to prevent delay or prejudice.

Rule 21

PROCEDURE UPON MISJOINDER AND NONJOINDER

Neither misjoinder of parties nor misjoinder of parties and claims is ground for dismissal of an action; but on such terms as are just parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action. Any claim against a party may be severed and proceeded with separately.

Rule 22

INTERPLEADER

Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims expose or may expose the plaintiff to double or multiple liability. It is not ground for objection to the

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joinder that the claims of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that he is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of crossclaim or counterclaim. The provisions of this Rule supplement and do not in any way limit the joinder of parties permitted in Rule 20.

Rule 23

CLASS ACTIONS

(a) Representation. If persons constituting a class are so numerous as to make it impracticable to bring them all before the court, such of them, one or more, as will fairly insure the adequate representation of all may, on behalf of all, sue or be sued.

(b) Secondary Action by Shareholders. In an action brought to enforce a secondary right on the part of one or more shareholders or members of a corporation or an unincorporated association because the corporation or association refuses to enforce rights which may properly be asserted by it, the complaint shall be verified by oath.

(c) Dismissal or Compromise. A class action shall not be dismissed or compromised without the approval of the judge. In an action under this Rule, notice of a proposed dismissal or compromise shall be given to all members of the class in such manner as the judge directs.

Rule 24

INTERVENTION

(a) Intervention of Right. Upon timely application anyone shall be permitted to intervene in an action: (1) when a statute confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

(b) Permissive Intervention. Upon timely application anyone may be permitted to intervene in an action: (1) when a statute confers a conditional right to intervene; or (2) when an applicant's claim or defense and the main action have a question of law or fact in common. When a party to an action relies for ground of claim or defense upon any statute or executive order administered by a federal or State governmental officer or agency or upon any regulation, order, requirement, or agreement issued or made pursuant to the statute or executive order, such officer or agency upon timely application may be permitted to intervene in the action. In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

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(c) Procedure. A person desiring to intervene shall serve a motion to intervene upon all parties affected thereby. The motion shall state the grounds therefor and shall be accompanied by a pleading setting forth the claim or defense for which intervention is sought. The same procedure shall be followed when a statute gives a right to intervene, except when the statute prescribes a different procedure.

Rule 25

SUBSTITUTION OF PARTIES UPON DEATH, INCOMPETENCY OR TRANSFER OF INTEREST; ABATEMENT

(a) Death. No action abates by reason of the death of a party if the cause of action survives. In such case, the court, on motion at any time within one year thereafter, or afterwards on a supplemental complaint, may order the substitution of said party's personal representative or successor in interest and allow the action to be continued by or against the substituted party.

(b) Insanity or Incompetency. No action abates by reason of the incompetency or insanity of a party. If such incompetency or insanity is adjudicated, the court, on motion at any time within one year after such adjudication, or afterwards on a supplemental complaint, may order that said party be represented by his general guardian or trustee or a guardian ad litem, and, allow the action to be continued. If there is no adjudication, any party may suggest such incompetency or insanity to the court and it shall enter such order in respect thereto as justice may require.

(c) Abatement Ordered Unless Action Continued. At any time after the death, insanity or incompetency of a party, the court in which an action is pending, upon notice to such person as it directs and upon motion of any party aggrieved, may order that the action be abated, unless it is continued by the proper parties, within a time to be fixed by the court, not less than six nor more than 12 months from the granting of the order.

(d) Transfer of Interest. In case of any transfer of interest other than by death, the action shall be continued in the name of the original party; but, upon motion of any party, the court may allow the person to whom the transfer is made to be joined with the original party.

(e) Death of Receiver of Corporation. No action against a receiver of a corporation abates by reason of his death, but, upon suggestion of the facts on the record, it continues against his successor or against the corporation in case a new receiver is not appointed and such successor or the corporation is automatically substituted as a party.

(f) Public Officers; Death or Separation From Office. (1) When a public officer is a party to an action in his official capacity and during its pendency dies, resigns or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

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(2) When a public officer sues or is sued in his official capacity, he may be described as a party by his official title rather than by name; but the court may require his name to be added.

(g) No Abatement After Verdict. After a verdict is rendered in any action, the action does not abate by reason of the death of a party, whether or not the cause of action upon which it is based is of a type which survives.

ARTICLE 5

Depositions and Discovery

Rule 26

DEPOSITIONS IN A PENDING ACTION

(a) When Depositions May be Taken. After the commencement of an action and before a final judgment, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. The deposition may be taken without leave of court, except that leave, granted with or without notice, must be obtained if notice of the taking is served by the plaintiff within 30 days after commencement of the action. The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 45. Depositions shall be taken only in accordance with these Rules. The deposition of a person confined in prison or of a patient in an institution or hospital for the mentally ill, mentally handicapped, or epileptic, or any other hospital, home, or institution, may be taken only by leave of court on such terms as the court prescribes.

(b) Scope of Examination. Unless otherwise ordered by the judge as provided by Rule 30(b) or (d), the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter in the pending action, whether it relates to the claim or defense of the examining party or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence nor is it ground for objection that the examining party has knowledge of the matters as to which testimony is sought. But the deponent shall not be required to produce or submit for inspection any writing obtained or prepared by the adverse party, his attorney, surety, indemnitor, or agent in anticipation of litigation or in preparation for trial unless the judge otherwise orders on the ground that a denial of production or inspection will result in an injustice or undue hardship; but, in no event shall the deponent be required to produce or submit for inspection any part of a writing which reflects an attorney's mental impressions, conclusions, opinions or legal theories, or except as provided in Rules 35, the conclusions of an expert.

NOTE: This Act is not effective until July 1, 1969.

(c) Examination and Cross-Examination. Examination and cross-examination of deponents may proceed as permitted at the trial under the provisions of Rule 43(b).

(d) Use of Depositions. Any part or all of a deposition, so far as admissible under the rules of evidence, may be used at the trial or upon the hearing of a motion or an interlocutory proceeding or upon a hearing before a referee, against any party who was present or represented at the taking of the deposition or who had due notice thereof, as follows:

(1) When the deponent is a party adverse to the party offering the deposition in evidence or is a person who at the time of taking the deposition was an officer, director or managing agent of a public or private corporation, partnership, or association which is a party adverse to the party offering the deposition in evidence, the deposition may be used for any purpose, whether or not deponent testifies at the trial or hearing.

(2) When the deponent testifies at the trial or hearing, the deposition may be used

(i) by any party adverse to the party calling deponent as a witness, for the purpose of impeaching or contradicting the testimony of deponent as a witness, or as substantive evidence, and

(ii) by the party calling deponent as a witness, as substantive evidence of such facts stated in the deposition as are in conflict with or inconsistent with the testimony of deponent as a witness.

(3) Except as provided in paragraphs (1) and (2) of this Section of this Rule, a deposition may be used only if the court finds: (i) that the deponent is dead; or (ii) that the deponent is at a greater distance than 75 miles from the place of trial or hearing, unless it appears that the absence of the deponent was procured by the party offering the depositions; or (iii) that the deponent is a physician who either resides or maintains his office outside the county where the trial or hearing is held; or (iv) that the deponent is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (v) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (vi) upon motion and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used. If the court makes any such finding, the deposition may be used by any party for any purpose, whether or not deponent is a party.

(4) If only a part of a deposition is offered in evidence by a party, any party may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other part.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of this State or of any other State or of the United States has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the later action as if originally taken therefor.

NOTE: This Act is not effective until July 1, 1969.

(e) Effect of Taking or Using Depositions. A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall not apply to the use by an adverse party of a deposition as described in Section (d) (1). At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

Rule 27

DEPOSITIONS BEFORE ACTION OR PENDING APPEAL

(a) Before Action.

(1) Petition. A person who desires to perpetuate his own testimony or that of another person regarding any matter may file a verified petition in the court in the county where any expected adverse party resides.

The petition shall be entitled in the name of the petitioner and shall show (1) that the petitioner expects that he, or his personal representative, heirs, legatees, or devisees, will be a party to an action cognizable in any court, but that he is presently unable to bring it or cause it to be brought, (2) the subject matter of the expected action and his interest therein, (3) the facts which he desires to establish by the proposed testimony and his reasons for desiring to perpetuate it, (4) the names or a description of the persons he expects will be adverse parties and their addresses so far as known, and (5) the names and addresses of the person to be examined and the substance of the testimony which he expects to elicit from each, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony.

(2) Notice and Service. The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the court, at a time and place named therein, for the order described in the petition. At least 20 days before the date of hearing, or within such time as the court may direct, the notice shall be served in the appropriate manner provided in Rule 4(j) (1) or (2) for service of summons; but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall appoint, for persons not served in the manner provided in Rule 4(j) (1) or (2), an attorney who shall represent them. If any expected adverse party is a minor or incompetent, the provisions of Rule 17(c) shall apply.

(3) Order and Examination. If the court is satisfied that the perpetuation of the testimony may prevent a failure or delay of justice, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination

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and whether, the depositions shall be taken upon oral examination or written interrogatories. The depositions may then be taken in accordance with these Rules; and the court may make orders of the character provided for by Rules 34 and 35. For the purpose of applying these Rules to depositions for perpetuating testimony, each reference therein to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed.

(4) Use of Deposition. If a deposition to perpetuate testimony is taken under these Rules or if, although not so taken, it would be admissible in evidence in the courts of the United States or the state in which it is taken, it may be used in any action involving the same subject matter subsequently brought in a court of this State in accordance with the provisions of Rule 26(d).

(b) Depositions Before Action for Obtaining Information to Prepare a Complaint.

(1) Petition. A person who expects to commence an action but who desires to obtain information from an expected adverse party or from any person for whose immediate benefit the expected action will be defended for the purpose of preparing a complaint may file a verified petition in the county where any expected adverse party resides or in the county where resides any person for whose immediate benefit the expected action will be defended. If an expected adverse party is not a natural person, the petition may be filed in the county where the expected adverse party has its principal office or place of business.

The petition shall be entitled in the name of the petitioner and shall show (1) that the petitioner expects to commence an action cognizable in a court of this State, (2) the names and addresses of the expected adverse parties, (3) the nature and purpose of the expected action, (4) the subject matter of the expected action and the petitioner's interest therein, (5) why the petitioner is unable to prepare a complaint with the information presently available, and (6) that the petition is filed in good faith. The petition shall also designate with reasonable particularity the matters as to which information will be sought.

(2) Notice and Service. After the petition is filed, proceedings shall be in conformity with Section (a)(2).

(3) Order and Examination. If the court finds that the facts are as set forth in the petition and that the examination of an expected adverse party or such party's officer, agent or employee is necessary to enable the petitioner to prepare a complaint, it shall make an order designating or describing the persons whose depositions may be taken and specifying the subject matter of the examination and whether the deposition shall be taken upon oral examination or written interrogatories. The depositions may then be taken in accordance with these Rules; and the court may make orders of the character provided for by Rules 34 and 35. For the purpose of applying these Rules to depositions for obtaining information to prepare a complaint, each reference therein to the court in which the action is pending shall be deemed to refer to the court in which the petition for such deposition was filed.

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(4) Use of Deposition. If a deposition to obtain information to prepare a complaint is taken under these Rules, it may be used in any action involving the same subject matter subsequently brought in a court of this State in accordance with the provisions of Rule 26(d).

(c) Pending Appeal. If an appeal has been taken from the determination of any court or petition for review has been filed or before the taking of an appeal or the filing of a petition if the time therefor has not expired, the court in which the determination was made may allow the taking of the depositions of witnesses to perpetuate their testimony for use in the event of further proceedings in the court. In such case the party who desires to perpetuate the testimony may make a motion in the court for leave to take the depositions, upon the same notice and service thereof as if the action was pending in the court. The motion shall show (1) the names and addresses of persons to be examined and the substance of the testimony which he expects to elicit from each, (2) the reasons for perpetuating their testimony. If the court finds that the perpetuation of the testimony is proper to avoid a failure or delay of justice, it may make an order allowing the depositions to be taken and may make orders of the character provided for by Rules 34 and 35, and thereupon the depositions may be taken and used in the same manner and upon the same conditions as are prescribed in these Rules for depositions taken in actions pending in the court.

(d) Perpetuation by Action. This Rule does not limit the power of a court to entertain an action to perpetuate testimony.

Rule 28

PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN

(a) Within the United States. Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken (1) before a person authorized to administer oaths by the laws of this State or of the United States or of the place where the examination is held, or (2) before such person as may be appointed by the court in which the action is pending.

(b) In Foreign Countries. In a foreign state or country depositions shall be taken (1) on notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or (2) before such person or officer as may be appointed by commission or under letters rogatory. A commission or letters rogatory shall be issued only when necessary or convenient, on application and notice, and on such terms and with such directions as are just and appropriate. Officers may be designated in notices or commissions either by name or descriptive title and letters rogatory may be addressed 'To the Appropriate Judicial Authority in (here name the country).'

(c) Disqualifications for Interest. No deposition shall be taken before a person who is a relative or employee or attorney or counsel of any of the parties, or is a relative or employee of such attorney or counsel, or is

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financially interested in the action, unless the parties otherwise agree by stipulation as provided in Rule 29.

(d) Depositions to be Used Outside This State.

(1) A person desiring to take depositions in this State to be used in proceedings pending in the courts of any other state or country may present to a judge of the superior or district court a commission, order, notice, consent, or other authority under which the deposition is to be taken, whereupon it shall be the duty of the judge to issue the necessary subpoenas pursuant to Rule 45. Orders of the character provided in Rules 30(b), 30(d), and 45(b) may be made upon proper application therefor by the person to whom such subpoena is directed. Failure by any person without adequate excuse to obey a subpoena served upon him pursuant to this Rule may be deemed a contempt of the court from which the subpoena issued.

(2) The commissioner herein provided for shall not proceed to act under and by virtue of his appointment until the party seeking to obtain such deposition has deposited with him a sufficient sum of money to cover all costs and charges incident to the taking of the deposition, including such witness fees as are allowed to witnesses in this State for attendance upon the superior courts. From such deposit the commissioner shall retain whatever amount may be due him for services, pay the witness fees and other costs that may have been incurred by reason of taking such deposition, and if any balance remains in his hands, he shall pay the same to the party by whom it was advanced.

Rule 29

STIPULATIONS REGARDING THE TAKING OF DEPOSITIONS

If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner, and when so taken, may be used in the same manner as other depositions.

Rule 30

DEPOSITIONS UPON ORAL EXAMINATIONS

(a) Notice of Examination: Time and Place. A party desiring to take the deposition of any person upon oral examination shall give notice in writing to every other party to the action. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall be served on all parties at least 15 days prior to the taking of the deposition when any party required to be served resides without the State and shall be served on all parties at least 10 days prior to the taking of the deposition when all of the parties required to be served reside within the State.

(b) Orders for the Protection of Parties and Deponents. After notice is served for taking a deposition by oral examination, upon motion season-

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ably made by any party or by the person to be examined and upon notice and for good cause shown, the judge of the court in which the action is pending may make an order that the deposition shall not be taken, or that it may be taken only at some designated time or place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the judge or that secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court; or the court may make any other order which justice requires to protect the party or witness from unreasonable annoyance, embarrassment, expense, or oppression.

(c) Record of Examination; Oath; Objections. The person before whom the deposition is to be taken shall administer an oath to the deponent and shall personally, or by someone acting under his direction and in his presence, record the testimony of the deponent. The testimony shall be taken stenographically or by some method by which the testimony is written or typed as it is given and transcribed unless the parties agree otherwise. Where transcription is requested by a party other than the one taking the deposition, the court may order the expense of transcription or a portion thereof paid by the party making the request. All objections made at the time of the examination to the qualifications of the person before whom the deposition is taken, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted upon the deposition by the person before whom the deposition is taken. Subject to the limitation imposed by an order under Section (b) or Section (d), evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the deponent and record the answers verbatim.

(d) Motion to Terminate or Limit Examination. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, a judge of the court in which the action is pending or any judge in the county where the deposition is being taken may order the person before whom the deposition is being taken to cease taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in Section (b). If the order made terminates the examination, it shall be resumed thereafter only upon the order of the judge of the court in which the action is pending. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time

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necessary to make a motion for an order. In granting or refusing such order the judge may impose upon either party or upon the deponent the requirement to pay such costs or expenses as the judge may deem reasonable.

(e) Submission to Deponent; Changes; Signing. When the deposition is transcribed, it need not be submitted to the deponent for his examination and signature unless one of the parties or the deponent makes a request therefor. When such request is made, the deposition shall be submitted to the deponent for examination, and any changes in form or substance which the deponent desires to make shall be entered upon the deposition by the person before whom the deposition is taken with a statement of the reasons given by the deponent for making them. The deposition shall then be signed by the deponent unless he refuses to sign. If the deponent refuses to sign, the person before whom the deposition is taken shall state on the record the fact that the deponent refused to sign, together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on motion to suppress under Rule 32(d) the judge holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f) Certification and Filing; Copies; Notice of Filing.

(1) When a deposition is transcribed, the person before whom it was taken shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the testimony given by the deponent. He shall then securely seal the original of the deposition in an envelope endorsed with the title of the action and marked 'Deposition of [here insert name of deponent]' and shall promptly file it and one copy with the court in which the action is pending or send it and one copy by registered mail to the clerk thereof for filing.

(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

(3) The party taking the deposition shall give prompt notice of its filing and furnish a copy to all other parties.

(g) Failure to Attend or to Serve Subpoenas; Expenses.

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the judge may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the judge may order the party giving the notice to pay to such other party the amount of the reasonable expenses incurred by him and his attorney in so attending, including reasonable attorney's fees.

(h) Judge, Definition.

NOTE: This Act is not effective until July 1, 1969.

(1) In respect to actions in the superior court, a judge of the court in which the action is pending shall, for the purposes of this Rule, and Rule 31, Rule 33, Rule 34, Rule 35, Rule 36 and Rule 37, be either a resident judge of the judicial district or a judge regularly presiding over the courts of the district or any special superior court judge holding court within the judicial district or residing therein.

(2) In respect to actions in the district court, a judge of the court in which the action is pending shall, for the purposes of this Rule, Rule 31, Rule 33, Rule 34, Rule 35, Rule 36 and Rule 37, be the chief district judge or any judge designated by him pursuant to G. S. 7A-192.

(3) In respect to actions in either the superior court or the district court, a judge of the court in the county where the deposition is being taken shall, for the purposes of this Rule, be either a resident judge of the judicial district or a judge regularly presiding over the courts, or any special superior court judge holding court within the judicial district or residing therein, or the chief judge of the district court or any judge designated by him pursuant to G. S. 7A-192.

Rule 31

DEPOSITIONS OF WITNESSES UPON WRITTEN INTERROGATORIES

(a) Serving Interrogatories; Notice. A party desiring to take the deposition of any person upon written interrogatories shall serve them upon every other party with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within five days thereafter the latter may serve redirect interrogatories upon a party who has served cross interrogatories. Within three days after being served with redirect interrogatories, a party may serve recross interrogatories upon the party proposing to take the deposition.

(b) Person to Take Responses and Prepare Record. A copy of the notice and copies of all interrogatories served shall be delivered by the party taking the deposition to the person designated to take the deposition, who shall proceed promptly, in the manner provided by Rule 30(c), (e) and (f), to take the testimony of the witnesses in response to the interrogatories and to prepare, certify, and file or mail the deposition, attaching thereto the copy of the notice and the interrogatories received by him.

(c) Notice of Filing. When the deposition is filed, the party taking it shall give prompt notice of its filing and furnish a copy to all other parties.

(d) Orders for the Protection of Parties and Deponents. After the service of interrogatories and prior to the taking of the testimony of the deponent, a judge of the court in which the action is pending as defined in Rule 30(h), on motion promptly made by a party or a deponent, upon notice and good cause shown, may make any order specified in Rule 30

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which is appropriate and just or an order that the deposition shall not be taken before the officer designated in the notice or that it shall not be taken except upon oral examination.

Rule 32

ERRORS AND IRREGULARITIES IN DEPOSITIONS

(a) As to Notice. All errors and irregularities in the notice for taking a deposition are waived unless written objection is promptly served upon the party giving the notice.

(b) As to Disqualification of Person Before Whom Taken. Objection to taking a deposition because of disqualification of the person before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) As to Taking of Deposition.

(1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition.

(2) Objections to the form of written interrogatories submitted under Rule 31 are waived unless served in writing upon the party propounding them within the time allowed for serving the succeeding cross or other interrogatories and within three days after service of the last interrogatories authorized.

(d) As to Completion and Return of Deposition. Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, sealed, endorsed, transmitted, filed, or otherwise dealt with by the person before whom the deposition is taken under Rules 30 and 31 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been ascertained.

(e) Objection to Deposition Before Trial. The clerk shall file the deposition with the other papers in the action and notify all parties that it is on file and open for inspection. Except as otherwise provided by this Rule, any party may file written exceptions to the deposition either in whole or in part for any good cause. Such exceptions shall be passed upon by the judge on motion day or at pretrial.

Rule 33

INTERROGATORIES TO PARTIES

Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may be served after commencement of the action and without leave of court, except that, if service is made by the plaintiff within 30 days after such commencement, leave of court granted with or without notice

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must first be obtained. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories within 15 days after the service of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Within 10 days after service of interrogatories a party may serve written objections thereto together with a notice of hearing the objections at the earliest practicable time. Answers to interrogatories to which objection is made shall be deferred until the objections are determined, but the making of objections to certain interrogatories shall not delay the answering of interrogatories to which objection is not made. If the objections are overruled, the court shall fix the time for answering the interrogatories.

Interrogatories may relate to any matters which can be inquired into under Rule 26(b), and the answers may be used to the same extent as provided in Rule 26(d) for the use of the deposition of a party. Interrogatories may be served after a deposition has been taken, and a deposition may be sought after interrogatories have been answered, but a judge of the court in which the action is pending, as defined by Rule 30(h), on motion of the deponent or the party interrogated, may make such protective order as justice may require. The number of interrogatories or of sets of interrogatories to be served is not limited except as justice requires to protect the party from annoyance, expense, embarrassment, or oppression. The provisions of Rule 30(b) are applicable for the protection of the party from whom answers to interrogatories are sought under this Rule.

Rule 34

DISCOVERY AND PRODUCTION OF DOCUMENTS AND THINGS FOR INSPECTION, COPYING, OR PHOTOGRAPHING

(a) Discovery on Court Order. Upon motion of any party showing good cause therefor and upon notice to all other parties, and subject to the provisions of Rule 30(b), the clerk of the court in which an action is pending or a judge of the court in which an action is pending, as defined by Rule 30(h) may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 26(b) and which are in his possession, custody, or control; or (2) order any party to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying, or photographing the property or any designated object or operation thereon within the scope of the examination permitted by Rule 26(b). The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

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(b) Discovery Without Court Order. Copies of such designated documents or other things listed in Section (a) (1) as are subject to discovery without a showing of necessity or justification may be obtained without a court order by requiring such copies to be attached to the answers to interrogatories under Rule 33 or produced in response to a subpoena under Rule 45(d). In lieu of furnishing copies of such documents or other things, the party against whom discovery is sought may afford an opportunity for their examination and copying. Copies of statements concerning the action or its subject matter previously given by the party seeking such statement shall be obtainable without court order in accord with the procedure of this subdivision.

Rule 35

PHYSICAL AND MENTAL EXAMINATION OF PERSONS

(a) Order for Examination. In an action in which the mental or physical condition or the blood relationship of a party, or of an agent or a person in the custody or under the legal control of a party, is in controversy, a judge of the court in which the action is pending as defined by Rule 30(h), may order the party to submit to a physical or mental or blood examination by a physician, or to produce for such examination his agent or the person in his custody or legal control. The order may be made only on motion for good cause shown and upon notice to the person to be examined and to all parties and shall specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to be made.

(b) Report of Findings.

(1) If requested by the party against whom an order is made under Section (a) or by the person examined, the party causing the examination to be made shall deliver to him a copy of a detailed written report of the examining physician setting out his findings and conclusions, together with like reports of all earlier examinations of the same condition. After such request and delivery the party causing the examination to be made shall be entitled upon request to receive from the party or person examined a like report of any examination, previously or thereafter made, of the same condition. If the party or person examined refuses to deliver such report, the judge on motion and notice may make an order requiring delivery on such terms as are just, and if a physician fails or refuses to make such a report, the judge may exclude his testimony if offered at the trial.

(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege he may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine him in respect of the same condition.

NOTE: This Act is not effective until July 1, 1969.

Rule 36

ADMISSION OF FACTS AND OF GENUINENESS OF DOCUMENTS

(a) Request for Admission. After commencement of an action a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth in the request. If a plaintiff desires to serve a request within 10 days after commencement of the action, leave to do so must be obtained. Such leave may be granted with or without notice, and by the clerk of the court in which the action is pending or by a judge of the court in which the action is pending, as defined by Rule 30(h). Copies of the documents shall be served with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 20 days after service thereof or within such shorter or longer time as may be allowed on motion and notice, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder. If a request is refused because of lack of information or knowledge upon the part of the party to whom the request is directed, he shall also show in his sworn statement that the means of securing the information or knowledge are not reasonably within his power.

(b) Procedure on Objections. If written objections are made, the party serving the request may, on motion and notice to all other parties, apply to a judge of the court in which the action is pending, as defined by Rule 30(h), for an order directing the objecting party to respond to the request. The party serving the request may apply, in like manner, for a similar order when he regards the reasons set forth for neither admitting or denying the request as insufficient.

(c) Use of Admissions; Effect Thereof. Objection to the use of an admission obtained under this Rule at the trial or hearing may be made irrespective of whether there has been prior objection. Any admission made pursuant to this Rule is for the purpose of the pending action only and neither constitutes an admission by the party for any other purpose nor may the admission be used against him in any other proceeding.

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Rule 37

FAILURE TO MAKE DISCOVERY; CONSEQUENCES

(a) Failure to Answer. If a party or other deponent does not answer any question propounded upon oral examination, the examination shall be completed on other matters and then adjourned. Thereafter, on five days' notice to all persons affected thereby, the proponent may apply to a judge of the court in which the action is pending or a judge of the court in the county where the deposition is being taken, as defined by Rule 30(h), for an order compelling an answer. Upon the failure of a deponent to answer any interrogatory submitted under Rule 31 or upon the failure of a party to answer any interrogatory submitted under Rule 33, the proponent may on like notice make like application for such an order. If the motion is granted, the order shall fix a time and place for further examination or a time for responding to the interrogatory as the case may be. No additional notice of examination need be given.

(b) Failure to Comply With Order or to Answer After Denial of Protective Order.

(1) If a party or other witness fails without good cause to be sworn or fails without good cause to answer any question or interrogatory after being directed to do so by the judge, such failure may be considered a contempt of court.

(2) Other consequences:

If any party or an officer or managing agent of a party fails without good cause to obey an order made under Section (a) of this Rule requiring him to answer designated questions or interrogatories, or an order made under Rule 34, Rule 35 or Rule 36, the judge may make such orders in respect to the failure to answer as are just. The relief granted may include, if just, the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of the physical or mental or blood condition sought to be examined.

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed or the question or interrogatory is answered, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(iv) When a party has failed to comply with an order under Rule 35(a) requiring him to produce another for examination, such orders as are listed in subdivisions (i), (ii) and (iii) of this subdivision of this

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Rule unless the party failing to comply shows that he is unable to produce such person for examination.

(c) Expenses on Refusal to Admit. If a party, after being served with a request under Rule 36 to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the genuineness of any such document or the truth of any such matter of fact is thereafter established by the admission of such party, or by the verdict of the jury, or by a finding by the court when there is a trial without a jury, he may apply to the judge for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, excluding attorney's fees. If the judge finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) Failure of Party to Attend or Serve Answers. If a party or an officer or managing agent of a party without good cause fails to appear before the person before whom the deposition is to be taken, after being served with a proper notice, or without good cause fails to serve answers to interrogatories submitted under Rule 33, after proper service of such interrogatories, a judge of the court in which the action is pending, as defined by Rule 30(h), on motion and notice may make such orders as may be just including, among others, the striking of all or any part of any pleading of that party, or dismissing the action or proceeding or any part thereof, or the entry of a judgment by default against that party.

ARTICLE 6

Trials

Rule 38

JURY TRIAL OF RIGHT

(a) Right Preserved. The right of trial by jury as declared by the Constitution or statutes of North Carolina shall be preserved to the parties inviolate.

(b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by serving upon the other parties a demand therefor in writing at any time after commencement of the action and not later than 10 days after the service of the last pleading directed to such issue. Such demand may be made in the pleading of the party or endorsed on the pleading.

(c) Demand: Specification of Issues. In his demand a party may specify the issues which he wishes so tried; otherwise, he shall be deemed to have demanded trial by jury for all the issues so triable. If a party has demanded trial by jury for only some of the issues, any other party within 10 days after service of the last pleading directed to such issues or within 10 days after service of the demand, whichever is later, or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues in the action.

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(d) Waiver. Except in actions wherein jury trial cannot be waived, the failure of a party to serve a demand as required by this Rule and file it as required by Rule 5(d) constitutes a waiver by him of trial by jury. A demand for trial by jury as herein provided may not be withdrawn without the consent of the parties who have pleaded or otherwise appear in the action.

Rule 39

TRIAL BY JURY OR BY THE COURT

(a) By Jury. When trial by jury has been demanded and has not been withdrawn as provided in Rule 38, the action shall be designated upon the docket as a jury action. The trial of all issues so demanded shall be by jury, unless (1) the parties who have pleaded or otherwise appeared in the action or their attorneys of record, by written stipulation filed with the court or by an oral stipulation made in open court and entered in the minutes, consent to trial by the court sitting without a jury, or (2) the court upon motion or of its own initiative finds that a right of trial by jury of some or all of those issues does not exist under the Constitution or statutes.

(b) By the Court. Issues not demanded for trial by jury as provided in Rule 38 shall be tried by the court; but, notwithstanding the failure of a party to demand a trial by jury in an action in which such a demand might have been made of right, the court in its discretion upon motion or of its own initiative may order a trial by jury of any or all issues.

(c) Advisory Jury and Trial by Consent. In all actions not triable of right by a jury the court upon motion or of its own initiative may try any issue or question of fact with an advisory jury or the court, with the consent of the parties, may order a trial with a jury whose verdict has the same effect as if trial by jury had been a matter of right. In either event the jury shall be selected in the manner provided by Rule 47(a).

Rule 40

ASSIGNMENT OF CASES FOR TRIAL

The resident judge of any judicial district senior in point of continuous service on the superior court may provide by rule for the calendaring of actions for trial in the superior court division of the various counties within his district. Calendaring of actions for trial in the district court shall be in accordance with G. S. 7A-146. Precedence shall be given to actions entitled thereto by any statute of this State.

Rule 41

DISMISSAL OF ACTIONS

(a) Voluntary Dismissal; Effect Thereof.

(1) By Plaintiff; by Stipulation. Subject to the provisions of Rule 23(c) and of any statute of this State, an action or any claim therein may be dismissed by the plaintiff without order of court (i) by filing a notice

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of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment or of any motion treated as a motion for summary judgment under these Rules, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this or any other state or of the United States, an action based on or including the same claim. If a claim is dismissed without prejudice under (i) of this subsection (1), a new action based on the same claim may be commenced within one year after such dismissal.

(2) By Order of Judge. Except as provided in subsection (1) of this Section, an action or any claim therein shall not be dismissed at the plaintiff's instance save upon order of the judge and upon such terms and conditions as justice requires. Unless otherwise specified in the order, a dismissal under this subsection is without prejudice. If any action or claim is dismissed without prejudice under this subsection (2), a new action based on the same claim may be commenced within one year after such dismissal unless the judge shall specify a shorter time.

(b) Involuntary Dismissal; Effect Thereof. For failure of the plaintiff to prosecute or to comply with these Rules or any order of court, a defendant may move for dismissal of an action or of any claim against him. After the plaintiff has completed the presentation of his evidence, the defendant, without waiving his right to offer evidence in the event the motion is not granted, may move for a dismissal on the ground that upon the facts and the law the plaintiff has shown no right to relief. In an action tried by the court without a jury the court as trier of the facts may then determine them and render judgment against the plaintiff or may decline to render any judgment until the close of all the evidence. If the court renders judgment on the merits against the plaintiff, the court shall make findings as provided in Rule 52(a). Unless the court in its orders for dismissal otherwise specifies, a dismissal under this Section operates as an adjudication upon the merits. If the dismissal is not on the merits, the time within which a new action based on the same claim may be commenced shall be determined by the judge, but in no event shall the time exceed one year from the entry of the judgment of dismissal.

(c) Dismissal of Counterclaim, Crossclaim, or Third-Party Claim. The provisions of this Rule apply to the dismissal of any counterclaim, crossclaim, or third-party claim. A voluntary dismissal by the claimant alone pursuant to Section (a) shall be made before a motion for summary judgment or any motion so treated under these Rules, or before a responsive pleading is served by the adverse party, or, if there is none, before the introduction of evidence at the trial or hearing.

(d) Costs. A plaintiff who dismisses an action or claim under Section (a) of this Rule shall be taxed with the costs of the action unless the action was brought in forma pauperis. If a plaintiff who has once dismissed an

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action in any court commences an action based upon or including the same claim against the same defendant before the payment of the costs of the action previously dismissed, unless such previous action was brought in forma pauperis, the court, upon motion of the defendant, shall dismiss the action.

Rule 42

CONSOLIDATION; SEPARATE TRIALS

(a) Consolidation. When actions involving a common question of law or fact are pending in one division of the court, the judge may order a joint hearing or trial of any or all the matters in issue in the actions; he may order all the actions consolidated; and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay. When actions involving a common question of law or fact are pending in both the superior and the district court of the same county, a judge of the superior court in which the action is pending may order all the actions consolidated, and he may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(b) Separate Trials. The court may in furtherance of convenience or to avoid prejudice and shall for considerations of venue upon timely motion order a separate trial of any claim, crossclaim, counterclaim, or third-party claim, or of any separate issue or of any number of claims, cross-claims, counterclaims, third-party claims, or issues.

Rule 43

EVIDENCE

(a) Form. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these Rules.

(b) Examination of Hostile Witnesses and Adverse Parties. A party may interrogate any unwilling or hostile witness by leading questions and may contradict and impeach him in all respects as if he had been called by the adverse party. A party may call an adverse party or an agent or employee of an adverse party, or an officer, director, or employee of a public or private corporation or of a partnership or association which is an adverse party, or an officer, agent or employee of a State, county or municipal government or agency thereof which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party.

(c) Record of Excluded Evidence. In an action tried before a jury, if an objection to a question propounded to a witness is sustained by the court, the court on request of the examining attorney shall order a record made of the answer the witness would have given. The court may add such other or further statement as clearly shows the character of the evidence, the form in which it was offered, the objection made and the ruling thereon. In actions tried without a jury the same procedure may be followed, except that the court upon request shall take and report the

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evidence in full, unless it clearly appears that the evidence is not admissible on any grounds or that the witness is privileged.

(d) Affirmation in Lieu of Oath. Whenever under these Rules an oath is required to be taken, a solemn affirmation may be accepted in lieu thereof.

(e) Evidence on Motions. When a motion is based on facts not appearing of record the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard wholly or partly on oral testimony or depositions.

Rule 44

PROOF OF OFFICIAL RECORD

(a) Authentication of Copy. An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is without the State of North Carolina but within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.

(b) Proof of Lack of Record. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.

(c) Other Proof. This Rule does not prevent the proof of official records specified in Title 28, U. S. C. §§ 1738 and 1739 in the manner therein provided; nor of entry or lack of entry in official records by any method authorized by any other applicable statute or by the rules of evidence at common law.

Rule 45

SUBPOENA

(a) For Attendance of Witnesses; Issuances; Form. A subpoena for the purpose of obtaining the testimony of a witness in a pending cause shall, except as hereinafter provided, be issued at the request of any party by the clerk of superior court for the county in which the hearing

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or trial is to be held. A subpoena shall be directed to the witness, shall state the name of the court and the title of the action, the name of the party at whose instance the witness is summoned, and shall command the person to whom it is directed to attend and give testimony at a time and place therein specified. The clerk shall issue a subpoena, or a subpoena for the production of documentary evidence, signed but otherwise in blank, to a party requesting it, who shall fill it in before service.

(b) Issuance by a Judge. Such subpoena may also be issued by any judge of the superior court, judge of the district court, or magistrate.

(c) For Production of Documentary Evidence. A subpoena may also command the person to whom it is directed to produce the records, books, papers, documents, or tangible things designated therein; but the judge, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (1) quash or modify the subpoena if it is unreasonable and oppressive and in such case may order the party in whose behalf the subpoena is issued to pay the person to whom the subpoena is directed part or all of his reasonable expenses including attorneys' fees or (2) grant the motion unless the party in whose behalf the subpoena is issued advances the reasonable cost of producing the records, books, papers, documents, or tangible things.

(d) Subpoena for Taking Depositions; Place of Examination.

(1) Proof of service of a notice to take a deposition as provided in Rules 30(a) and 31(a) constitutes a sufficient authorization for the issuance by the clerk of the superior court for the county in which the deposition is to be taken of subpoenas for the persons named or described therein. The subpoena may command the person to whom it is directed to produce designated records, books, papers, documents, or tangible things which constitute or contain evidence relating to any of the matters within the scope of the examination permitted by Rule 26(b), but in that event the subpoena will be subject to the provisions of Section (b) of Rule 30 and Section (c) of this Rule.

(2) A resident of the State may be required to attend for examination by deposition only in the county wherein he resides or is employed or transacts his business in person. A nonresident of the State may be required to attend for such examination only in the county wherein he is served with a subpoena, or within 40 miles from the place of service, or at such other convenient place as is fixed by an order of court.

(e) Service. All subpoenas may be served by the sheriff, by his deputy, by a constable, by a coroner or by any other person who is not a party. Service may be made only by the delivery of a copy to the person named therein by any person authorized in this subdivision to serve subpoenas, or by telephone communication with the person named therein by any process officer as specified in this Section, or by mailing the subpoena, registered or certified mail, return receipts requested, by any process officer specified in this Section. Personal service shall be proved by return of the process officer making service and by return under oath of any other person making service. Service by telephone communication shall be proved by return of the process officer noting the method of service. Service

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by registered or certified mail shall be proved by filing the return receipt with the return.

(f) Punishment for Failure to Obey. Failure by any person without adequate cause to obey a subpoena served upon him may be deemed a contempt of the court from which the subpoena issued. Failure by a party without adequate cause to obey a subpoena served upon him shall also subject such party to the sanctions provided in Rule 37(d).

Rule 46

OBJECTIONS AND EXCEPTIONS

(a) Rulings on Admissibility of Evidence.

(1) When there is objection to the admission of evidence on the ground that the witness is for a specified reason incompetent or not qualified or disqualified, it shall be deemed that a like objection has been made to any subsequent admission of evidence from the witness in question. Similarly, when there is objection to the admission of evidence involving a specified line of questioning, it shall be deemed that a like objection has been taken to any subsequent admission of evidence involving the same line of questioning.

(2) If there is proper objection to the admission of evidence and the objection is overruled, the ruling of the court shall be deemed excepted to by the party making the objection. If an objection to the admission of evidence is sustained or if the court for any reason excludes evidence offered by a party, the ruling of the court shall be deemed excepted to by the party offering the evidence.

(3) No objections are necessary with respect to questions propounded to a witness by the court or a juror but it shall be deemed that each such question has been properly objected to and that the objection has been overruled and that an exception has been taken to the ruling of the court by all parties to the action.

(b) Rulings and Orders Not Directed to the Admissibility of Evidence. With respect to rulings and orders of the court not directed to the admissibility of evidence, formal objections and exceptions are unnecessary. In order to preserve an exception to any such ruling or order or to the court's failure to make any such ruling or order, it shall be sufficient if a party, at the time the ruling or order is made or sought, makes known to the court his objection to the action of the court or makes known the action which he desires the court to take and his ground therefor; and if a party has no opportunity to object or except to a ruling or order at the time it is made, the absence of an objection or exception does not thereafter prejudice him.

(c) Instruction. If there is error, either in the refusal of the judge to grant a prayer for instructions, or in granting a prayer, or in his instructions generally, the same is deemed excepted to without the filing of any formal objections.

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Rule 47

JURORS

Inquiry as to the fitness and competency of any person to serve as a juror and the challenging of such person shall be as provided in Chapter 9 of the General Statutes.

Rule 48

JURIES OF LESS THAN TWELVE—MAJORITY VERDICT

Except in actions in which a jury is required by statute, the parties may stipulate that the jury shall consist of any number less than 12 or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

Rule 49

VERDICTS

(a) General and Special Verdicts. The judge may require a jury to return either a general or a special verdict and in all cases may instruct the jury, if it renders a general verdict, to find upon particular questions of fact, to be stated in writing, and may direct a written finding thereon. A general verdict is that by which the jury pronounces generally upon all or any of the issues, either in favor of the plaintiff or defendant. A special verdict is that by which the jury finds the facts only.

(b) Framing of Issues. Issues shall be framed in concise and direct terms, and prolixity and confusion must be avoided by not having too many issues. The issues, material to be tried, must be made up by the attorneys appearing in the action, or by the judge presiding, and reducing to writing, before or during the trial.

(c) Waiver of Jury Trial on Issue. If, in submitting the issues to the jury, the judge omits any issue of fact raised by the pleadings or by the evidence, each party waives his right to a trial by jury of the issue so omitted unless before the jury retires he demands its submission to the jury. As to an issue omitted without such demand the judge may make a finding; or, if he fails to do so, he shall be deemed to have made a finding in accord with the judgment entered.

(d) Special Finding Inconsistent with General Verdict. Where a special finding of facts is inconsistent with the general verdict, the former controls, and the judge shall give judgment accordingly.

Rule 50

MOTION FOR A DIRECTED VERDICT AND FOR JUDGMENT NOTWITHSTANDING THE VERDICT

(a) When Made; Effect. A party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted, without having reserved the right so to do and to the same extent as if the motion had not been made. A motion for a directed verdict which is not granted is not a waiver of trial

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by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific grounds therefor. The order granting a motion for a directed verdict shall be effective without any assent of the jury.

(b) Motion for Judgment Notwithstanding the Verdict. Whenever a motion for a directed verdict made at the close of all the evidence is denied or for any reason is not granted, the submission of the action to the jury shall be deemed to be subject to a later determination of the legal questions raised by the motion. Not later than 10 days after entry of judgment, a party who has moved for a directed verdict may move to have the verdict and any judgment entered thereon set aside and to have judgment entered in accordance with his motion for a directed verdict; or if a verdict was not returned such party, within 10 days after the jury has been discharged, may move for judgment in accordance with his motion for a directed verdict. In either case the motion shall be granted if it appears that the motion for directed verdict could properly have been granted. A motion for a new trial may be joined with this motion, or a new trial may be prayed for in the alternative. If a verdict was returned the judge may allow the judgment to stand or may set aside the judgment and either order a new trial or direct the entry of judgment as if the requested verdict had been directed. If no verdict was returned the judge may direct the entry of judgment as if the requested verdict had been directed or may order a new trial. No review of the failure to grant a motion for directed verdict shall be had unless the party also moves for judgment after submission of the action to the jury. But a motion to set aside or otherwise nullify a verdict or for a new trial shall be deemed to include a motion for judgment in accordance with the motion for a directed verdict as an alternative.

(c) Same; Conditional Rulings on Grant of Motion.

(1) If the motion for judgment notwithstanding the verdict, provided for in Section (b) of this Rule, is granted, the court shall also rule on the motion for new trial, if any, by determining whether it should be granted if the judgment is thereafter vacated or reversed, and shall specify the grounds for granting or denying the motion for the new trial. If the motion for new trial is thus conditionally granted, the order thereon does not affect the finality of the judgment. In case the motion for new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless the appellate division has otherwise ordered. In case the motion for new trial has been conditionally denied, the appellee on appeal may assert error in that denial; and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate division.

(2) The party whose verdict has been set aside on motion for judgment notwithstanding the verdict may serve a motion for a new trial pursuant to Rule 59 not later than 10 days after entry of the judgment notwithstanding the verdict.

(d) Same; Denial of Motion. If the motion for judgment notwithstanding the verdict is denied, the party who prevailed on that motion may,

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as appellee, assert grounds entitling him to a new trial in the event the appellate division concludes that the trial court erred in denying the motion for judgment notwithstanding the verdict. If the appellate division reverses the judgment, nothing in this Rule precludes it from determining that the appellee is entitled to a new trial, or from directing the trial court to determine whether a new trial shall be granted.

Rule 51

INSTRUCTIONS TO JURY

(a) Judge to Explain Law but Give No Opinion on Facts. In charging the jury in any action governed by these Rules, no judge shall give an opinion whether a fact is fully or sufficiently proved, that being the true office and province of the jury, but he shall declare and explain the law arising on the evidence given in the case. The judge shall not be required to state such evidence except to the extent necessary to explain the application of the law thereto: provided, the judge shall give equal stress to the contentions of the various parties.

(b) Requests for Special Instructions. Requests for special instructions must be in writing, entitled in the cause, and signed by the counsel or party submitting them. Such requests for special instructions must be submitted to the judge before the judge's charge to the jury is begun. The judge may, in his discretion, consider such requests regardless of the time they are made. Written requests for special instructions shall, after their submission to the judge, be filed with the clerk as a part of the record.

(c) Judge Not to Comment on Verdict. The judge shall make no comment on any verdict in open court in the presence or hearing of any member of the jury panel; and if any judge shall make any comment as herein prohibited or shall praise or criticize any jury on account of its verdict, whether such praise, criticism or comment be made inadvertently or intentionally, such praise, criticism or comment by the judge shall for any party to any other action remaining to be tried constitute valid grounds as a matter of right for a continuance of any action to a time when all members of the jury panel are no longer serving. The provisions of this Section shall not be applicable upon the hearing of motions for a new trial or for judgment notwithstanding the verdict.

Rule 52

FINDINGS BY THE COURT

(a) Findings. In all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon and direct the entry of the appropriate judgment. Except as provided in Rule 41(b), findings of fact and conclusions of law are unnecessary on decisions of any motion unless requested by a party. Similarly, findings of fact and conclusions of law are unnecessary on the granting or denying of a temporary injunction or

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any other provisional remedy except as otherwise provided by statute expressly relating to such remedy or unless requested by a party.

(b) Amendment. Upon motion of a party made not later than 10 days after entry of judgment the court may amend its findings or make additional findings and may amend the judgment accordingly. The motion may be made with a motion for a new trial pursuant to Rule 59.

(c) Review on Appeal. When findings of fact are made in actions tried by the court without a jury, the question of the sufficiency of the evidence to support the findings may be raised on appeal whether or not the party raising the question has made in the trial court an objection to such findings or has made a motion to amend them or a motion for judgment, or a request for specific findings.

Rule 53

REFEREES

(a) Kinds of Reference.

(1) By Consent. Any or all of the issues in an action may be referred upon the written consent of the parties except in actions to annul a marriage, and actions for divorce and separation.

(2) Compulsory. Where the parties do not consent to a reference, the court may, upon the application of any party or on its own motion, order a reference in the following cases:

(i) Where the trial of an issue requires the examination of a long or complicated account; in which case the referee may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein.

(ii) Where the taking of an account is necessary for the information of the court before judgment, or for carrying a judgment or order into effect.

(iii) Where the case involves a complicated question of boundary, or requires a personal view of the premises.

(iv) Where a question of fact arises outside the pleadings, upon motion or otherwise, at any stage of the action.

(b) Jury Trial.

(1) Where the reference is by consent, the parties waive the right to have any of the issues within the scope of the reference passed on by a jury.

(2) A compulsory reference does not deprive any party of his right to a trial by jury, which right he may preserve by

(i) Objecting to the order of compulsory reference at the time it is made, and

(ii) By filing specific exceptions to particular findings of fact made by the referee within 30 days after the referee files his report with the clerk of the court in which the action is pending, and

(iii) By formulating appropriate issues based upon the exceptions taken and demanding a jury trial upon such issues. Such issues shall be tendered at the same time the exceptions to the referee's report are

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filed. If there is a trial by jury upon any issue referred, the trial shall be only upon the evidence taken before the referee.

(c) Appointment. The parties may agree in writing upon one or more persons not exceeding three, and a reference shall be ordered to such person or persons in appropriate cases. If the parties do not agree, the court shall appoint one or more referees, not exceeding three, but no person shall be appointed referee to whom all parties in the action object.

(d) Compensation. The compensation to be allowed a referee shall be fixed by the court and charged in the bill of costs. After appointment of a referee, the court may from time to time order advancements by one or more of the parties of sums to be applied to the referee's compensation. Such advancements may be apportioned between the parties in such manner as the court sees fit. Advancements so made shall be taken into account in the final fixing of costs and such adjustments made as the court then deems proper.

(e) Powers. The order of reference to the referee may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the referee's report. Subject to the specifications and limitations stated in the order, every referee has power to administer oaths in any proceeding before him, and has generally the power vested in a referee by law. The referee shall have the same power to grant adjournments and to allow amendments to pleadings and to the summons as the judge and upon the same terms and with like effect. The referee shall have the same power as the judge to preserve order and punish all violations thereof, to compel the attendance of witnesses before him by attachment, and to punish them as for contempt for nonattendance or for refusal to be sworn or to testify. The parties may procure the attendance of witnesses before the referee by the issuance and service of subpoenas as provided in Rule 45.

(f) Proceedings.

(1) Meetings. When a reference is made, the clerk shall forthwith furnish the referee with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the referee shall forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 20 days after the date of the order of reference and shall notify the parties or their attorneys. It is the duty of the referee to proceed with all reasonable diligence. Any party, on notice to all other parties and the referee, may apply to the court for an order requiring the referee to expedite the proceedings and to make his report. If a party fails to appear at the time and place appointed, the referee may proceed ex parte, or, in his discretion, may adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

(2) Statement of Accounts. When matters of accounting are in issue before the referee, he may prescribe the form in which the accounts shall be submitted and in any proper case may require or receive in

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evidence a statement by a certified public accountant or other qualified accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the referee may require a different form of statement to be furnished, or the accounts of specific items thereof to be proved by oral examination of the accounting parties or upon written interrogatories or in such other manner as he directs.

(3) Testimony Reduced to Writing. The testimony of all witnesses must be reduced to writing by the referee, or by someone acting under his direction and shall be filed in the cause and constitute a part of the record.

(g) Report.

(1) Contents and Filing. The referee shall prepare a report upon the matters submitted to him by the order of reference and shall include therein his decision on all matters so submitted. If required to make findings of fact and conclusions of law, he shall set them forth separately in the report. He shall file the report with the clerk of the court in which the action is pending and unless otherwise directed by the order of reference, shall file with it a transcript of the proceedings and of the evidence and the original exhibits. Before filing his report a referee may submit a draft thereof to counsel for all parties for the purpose of receiving their suggestions. The clerk shall forthwith mail to all parties notice of the filing.

(2) Exceptions and Review. All or any part of the report may be excepted to by any party within 30 days from the filing of the report. Thereafter, and upon 10 days' notice to the other parties, any party may apply to the judge for action on the report. The judge after hearing may adopt, modify or reject the report in whole or in part, render judgment, or may remand the proceedings to the referee with instructions. No judgment may be rendered on any reference except by the judge.

ARTICLE 7

Judgment

Rule 54

JUDGMENTS

(a) Definitions. A judgment is either interlocutory or the final determination of the rights of the parties.

(b) Judgment Upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counterclaim, crossclaim, or third-party claim, or when multiple parties are involved, the court may enter a final judgment as to one or more but fewer than all of the claims or parties only if there is no just reason for delay and it is so determined in the judgment. Such judgment shall then be subject to review by appeal or as otherwise provided by these Rules or other statutes. In the absence of entry of such a final judgment, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer

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than all the parties shall not terminate the action as to any of the claims or parties and shall not then be subject to review either by appeal or otherwise except as expressly provided by these Rules or other statutes. Similarly, in the absence of entry of such a final judgment, any order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(c) Demand for Judgment. A judgment by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgment. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings.

Rule 55

DEFAULT

(a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or is otherwise subject to default judgment as provided by these Rules or by statute and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

(b) Judgment. Judgment by default may be entered as follows:

(1) By the Clerk. When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if he has been defaulted for failure to appear and if he is not an infant or incompetent person.

In all cases wherein, pursuant to this Rule, the clerk enters judgment by default upon a claim for debt which is secured by any pledge, mortgage, deed of trust or other contractual security in respect of which foreclosure may be had, or upon a claim to enforce a lien for unpaid taxes or assessments under G. S. 105-414, the clerk may likewise make all further orders required to consummate foreclosure in accordance with the procedure provided in Article 29A of Chapter 1 of the General Statutes, entitled 'Judicial Sales'.

(2) By the Judge. In all other cases the party entitled to a judgment by default shall apply to the judge therefor; but no judgment by default shall be entered against an infant or incompetent person unless represented in the action by a guardian ad litem or other such representative who has appeared therein. If the party against whom judgment by default is sought has appeared in the action, he (or, if appearing by representative, his representative) shall be served with written notice of the application for judgment at least three days prior to the hearing on such application. If, in order to enable the judge to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to take an investigation of any other matter, the judge may conduct such hearings or order such references as he deems necessary and proper and

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shall accord a right of trial by jury to the parties when and as required by the Constitution or by any statute of North Carolina.

(c) Service by Publication or Without the State. When service of the summons has been made by published notice, no judgment shall be entered on default until the plaintiff shall have filed a bond, approved by the court, conditioned to abide such order as the court may make touching the restitution of any property collected or obtained by virtue of the judgment in case a defense is thereafter permitted and sustained; provided, that in actions involving the title to real estate or to foreclose mortgages thereon such bond shall not be required.

(d) Setting Aside Default. For good cause shown the court may set aside an entry of default, and, if a judgment by default has been entered, the judge may set it aside in accordance with Rule 60(b).

(e) Plaintiffs, Counterclaimants, Crossclaimants. The provisions of this Rule apply whether the party entitled to the judgment by default is a plaintiff, a third-party plaintiff, or a party who has pleaded a crossclaim or counterclaim. In all cases a judgment by default is subject to the limitations of Rule 54(c).

(f) Judgment Against the State of North Carolina. No judgment by default shall be entered against the State of North Carolina or an officer in his official capacity or agency thereof unless the claimant establishes his claim or right to relief by evidence.

Rule 56

SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or crossclaim or to obtain a declaratory judgment may, at any time after the expiration of 30 days from the commencement of the action or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or crossclaim is asserted or a declaratory judgment is sought, may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings Thereon. The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party prior to the day of hearing may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that any party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is genuine issue as to the amount of damages. Summary judgment, when appropriate, may be rendered against the moving party.

(d) Case Not Fully Adjudicated on Motion. If on motion under this Rule judgment is not rendered upon the whole case or for all the relief

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asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this Rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this Rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits are Unavailable. Should it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this Rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney's fees.

Rule 57

DECLARATORY JUDGMENTS

The procedure for obtaining a declaratory judgment pursuant to Article 26, Chapter 1, General Statutes of North Carolina, shall be in accordance with these Rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in Rules 38 and 39. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The court may order a prompt hearing of an action for a declaratory judgment and may advance it on the calendar.

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Rule 58

ENTRY OF JUDGMENT

Subject to the provisions of Rule 54(b): Upon a jury verdict that a party shall recover only a sum certain or costs or that all relief shall be denied or upon a decision by the judge in open court to like effect, the clerk, in the absence of any contrary direction by the judge, shall make a notation in his minutes of such verdict or decision and such notation shall constitute the entry of judgment for the purposes of these Rules. The clerk shall forthwith prepare, sign, and file the judgment without awaiting any direction by the judge.

In other cases where judgment is rendered in open court, the clerk shall make a notation in his minutes as the judge may direct and such notation shall constitute the entry of judgment for the purposes of these Rules. The judge shall approve the form of the judgment and direct its prompt preparation and filing.

In cases where judgment is not rendered in open court, entry of judgment for the purposes of these Rules shall be deemed complete when an order for the entry of judgment is received by the clerk from the judge, the judgment is filed and the clerk mails notice of its filing to all parties. The clerk's notation on the judgment of the time of mailing shall be prima facie evidence of mailing and the time thereof.

Rule 59

NEW TRIALS; AMENDMENT OF JUDGMENTS

(a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues for any of the following causes or grounds: (1) Any irregularity by which any party was prevented from having a fair trial; (2) Misconduct of the jury or prevailing party; (3) Accident or surprise which ordinary prudence could not have guarded against; (4) Newly discovered evidence material for the party making the motion which he could not, with reasonable diligence, have discovered and produced at the trial; (5) Manifest disregard by the jury of the instructions of the court; (6) Excessive or inadequate damages appearing to have been given under the influence of passion or prejudice; (7) Insufficiency of the evidence to justify the verdict or that the verdict is contrary to law; (8) Error in law occurring at the trial and objected to by the party making the motion, or (9) Any other reason heretofore recognized as grounds for new trial. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(b) Time for Motion. A motion for a new trial shall be served not later than 10 days after entry of the judgment.

(c) Time for Serving Affidavits. When a motion for new trial is based upon affidavits they shall be served with the motion. The opposing party has 10 days after such service within which to serve opposing

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affidavits, which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(d) On Initiative of Court. Not later than 10 days after entry of judgment the court of its own initiative, on notice to the parties and hearing, may order a new trial for any reason for which it might have granted a new trial on motion of a party, and in the order shall specify the grounds therefor.

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend the judgment under Section (a) of this Rule shall be served not later than 10 days after entry of the judgment.

Rule 60

RELIEF FROM JUDGMENT OR ORDER

(a) Clerical Mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the judge at any time on his own initiative or on the motion of any party and after such notice, if any, as the judge orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate division, and thereafter while the appeal is pending may be so corrected with leave of the appellate division.

(b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a reasonable time, and for reasons (1), (2) and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this Section does not affect the finality of a judgment or suspend its operation. This Rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to set aside a judgment for fraud upon the court. The procedure for obtaining any relief from a judgment order or proceeding shall be by motion as prescribed in these Rules or by an independent action.

(c) Judgments Rendered by the Clerk. The clerk may, in respect of judgments rendered by himself, exercise the same powers authorized in

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Sections (a) and (b). The judge has like powers in respect of such judgments. Where such powers are exercised by the clerk, appeals may be had to the judge in the manner provided by law.

Rule 61

HARMLESS ERROR

No error in either the admission or exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by any of the parties is ground for granting a new trial or for setting aside a verdict or for vacating, modifying, or otherwise disturbing a judgment or order, unless refusal to take such action amounts to the denial of a substantial right.

Rule 62

STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

(a) Automatic Stay; Exceptions—Injunctions and Receiverships. Except as stated herein, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 10 days after its entry. Unless otherwise ordered by the court, an interlocutory or final judgment in an action for an injunction or in a receivership action shall not be stayed during the period after its entry and until an appeal is taken or during the pendency of an appeal. The provisions of Section (c) govern the suspending, modifying, restoring, or granting of an injunction during the pendency of an appeal.

(b) Stay on Motion for New Trial or for Judgment. In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment made pursuant to Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52(b).

(c) Injunction Pending Appeal. When an appeal is taken from an interlocutory or final judgment granting, dissolving, or denying an injunction, the court in its discretion may suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the rights of the adverse party.

(d) Stay Upon Appeal. When an appeal is taken, the appellant may obtain a stay of execution, subject to the exceptions contained in Section (a), by proceeding in accordance with and subject to the conditions of G. S. 1-289, G. S. 1-290, G. S. 1-291, G. S. 1-292, G. S. 1-293, G. S. 1-294, and G. S. 1-295.

When stay is had by giving supersedeas bond, the bond may be given at or after the time of filing the notice of appeal or of procuring the order allowing the appeal as the case may be, and stay is then effective when the supersedeas bond is approved by the court.

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(e) Stay in Favor of North Carolina or Agency Thereof. When an appeal is taken by the State of North Carolina or an officer in his official capacity or agency thereof or by direction of any department or agency of the State of North Carolina and the operation or enforcement of the judgment is stayed, no bond, obligation, or other security shall be required from the appellant.

(f) Power of Appellate Court Not Limited. The provisions of this Rule do not limit any power of an appellate court or of a judge or justice thereof to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.

(g) Stay of Judgment as to Multiple Claims or Multiple Parties. When a court has ordered a final judgment under the conditions stated in Rule 54(b), the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.

Rule 63

DISABILITY OF A JUDGE

If by reason of death, sickness, or other disability, a judge before whom an action has been tried is unable to perform the duties to be performed by the court under these Rules after a verdict is returned or findings of fact and conclusions of law are filed, then those duties may be performed: (1) In actions in the superior court by the judge senior in point of continuous service on the superior court regularly holding the courts of the district. If such judge is himself under a disability, then the resident judge of the district senior in point of service on the superior court may perform those duties. If a resident judge, while holding court in his own district suffers disability and there is no other resident judge of the district, such duties may be performed by a judge of the superior court designated by the Chief Justice of the Supreme Court. (2) In actions in the district court, by the chief judge of the district, or if the chief judge is disabled, by any judge of the district court designated by the Director of the Administrative Office of the Courts.

If the substituted judge is satisfied that he cannot perform those duties because he did not preside at the trial or for any other reason, he may in his discretion grant a new trial.

ARTICLE 8

Miscellaneous

Rule 64

SEIZURE OF PERSON OR PROPERTY

At the commencement of and during the course of an action, all remedies providing for seizure of person or property for the purpose of securing satisfaction of the judgment ultimately to be entered in the action

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are available under the circumstances and in the manner provided by the law of this State.

Rule 65

INJUNCTIONS

(a) Preliminary Injunctions; Notice. No preliminary injunction shall be issued without notice to the adverse party.

(b) Temporary Restraining Order; Notice; Hearing; Duration. A temporary restraining order may be granted without notice to the adverse party if it clearly appears from specific facts shown by affidavit or by verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the judge fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice and a motion for a preliminary injunction is made, it shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character; and when the motion comes on for hearing, the party who obtained the temporary restraining order shall proceed with a motion for a preliminary injunction, and, if he does not do so, the judge shall dissolve the temporary restraining order. On two days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the judge may prescribe, the adverse party may appear and move its dissolution or modification and in that event the judge shall proceed to hear and determine such motion as expeditiously as the ends of justice require. Damages may be awarded in an order for dissolution as provided in Section (e).

(c) Security. No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the judge deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the State of North Carolina or of any county or municipality thereof, or any officer or agency thereof acting in an official capacity, but damages may be awarded against such party in accord with this Rule. In suits between spouses relating to support, alimony, custody of children, separation, divorce from bed and board, and absolute divorce no such security shall be required of the plaintiff spouse as a condition precedent to the issuing of a temporary restraining order or preliminary injunction enjoining the defendant spouse from interfering with, threatening, or in any way molesting the plaintiff

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spouse during pendency of the suit, until further order of the court, but damages may be awarded against such party in accord with this Rule.

A surety upon a bond or undertaking under this Rule submits himself to the jurisdiction of the court and irrevocably appoints the clerk of the court as his agent upon whom any papers affecting his liability on the bond or undertaking may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the persons giving the security and the sureties thereon if their addresses are known.

(d) Form and Scope of Injunction or Restraining Order. Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts enjoined or restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice in any manner of the order by personal service or otherwise.

(e) Damages on Dissolution. An order or judgment dissolving an injunction or restraining order may include an award of damages against the party procuring the injunction and the sureties on his undertaking without a showing of malice or want of probable cause in procuring the injunction. The damages may be determined by the judge, or he may direct that they be determined by a referee or jury.

Rule 66—Omitted

Rule 67—Omitted

Rule 68

OFFER OF JUDGMENT AND DISCLAIMER

(a) Offer of Judgment. At any time more than 10 days before the trial begins, a party defending against a claim may serve upon the adverse party an offer to allow judgment to be taken against him for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof and thereupon the clerk shall enter judgment. An offer not accepted within 10 days after its service shall be deemed withdrawn and evidence of the offer is not admissible except in a proceeding to determine costs. If the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer. The fact that an offer is made but not accepted does not preclude a subsequent offer.

(b) Conditional Offer of Judgment for Damages. A party defending

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against a claim arising in contract or quasi contract may, with his responsive pleading, serve upon the claimant an offer in writing that if he fails in his defense, the damages shall be assessed at a specified sum; and if the claimant signifies his acceptance thereof in writing within 20 days of the service of such offer, and on the trial prevails, his damages shall be assessed accordingly. If the claimant does not accept the offer, he must prove his damages as if the offer had not been made. If the damages assessed in the claimant's favor do not exceed the sum stated in the offer, the party defending shall recover the costs in respect to the question of damages.

Rule 68.1

CONFESSION OF JUDGMENT

(a) For Present or Future Liability. A judgment by confession may be entered without action at any time in accordance with the procedure prescribed by this Rule. Such judgment may be for money due or for money that may become due. Such judgment may also be entered for alimony or for support of minor children.

(b) Procedure. A prospective defendant desiring to confess judgment shall file with the clerk of the superior court as provided in Section (c) a statement in writing signed and verified by such defendant authorizing the entry of judgment for the amount stated. The statement shall contain the name of the prospective plaintiff, his county of residence, the name of the defendant, his county of residence, and shall concisely show why the defendant is or may become liable to the plaintiff.

If either the plaintiff or defendant is not a natural person, for the purposes of this Rule its county of residence shall be considered to be the county in which it has its principal place of business, whether in this State or not.

(c) Where Entered. Judgment by confession may be entered only in the county where the defendant resides or has real property or in the county where the plaintiff resides but the entry of judgment in any county shall be conclusive evidence that this Section has been complied with.

(d) Form of Entry. When a statement in conformity with this Rule is filed with the clerk of the superior court, the clerk shall enter judgment thereon for the amount confessed, and docket the judgment as in other cases, with costs, together with disbursements. The statement, with the judgment, shall become the judgment roll.

(e) Force and Effect. Judgments entered in conformity with this Rule shall have the same effect as other judgments except that no judgment by confession shall be held to be res judicata as to any fact in any civil action except in an action on the judgment confessed. When such judgment is for alimony or support of minor children, the failure of the defendant to make any payments as required by such judgment shall subject him to such penalties as may be adjudged by the court as in any other case of contempt of its orders. Executions may be issued and enforced in the same manner as upon other judgments. When the full amount of the judgment is not all due, or is payable in installments, and

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the installments are not all due, execution may issue upon such judgment for the collection of such sums as have become due and shall be in usual form. Notwithstanding the issue and satisfaction of such execution, the judgment remains as security for the sums thereafter to become due; and whenever any further sum becomes due, execution may in like manner be issued.

Rule 69—Omitted

Rule 70

JUDGMENT FOR SPECIFIC ACTS; VESTING TITLE

If a judgment directs a party to execute a conveyance of land or to deliver deeds or other documents or to perform any other specific act and the party fails to comply within the time specified, the judge may direct the act to be done at the cost of the disobedient party by some other person appointed by the judge and the act when so done has like effect as if done by the party. On application of the party entitled to performance, the clerk shall issue a writ of attachment or sequestration against the property of the disobedient party to compel obedience to the judgment. The judge may also in proper cases adjudge the party in contempt. If real or personal property is within the State, the judge in lieu of directing a conveyance thereof may enter a judgment divesting the title of any party and vesting it in others and such judgment has the effect of a conveyance executed in due form of law. When any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to execution upon application to the clerk upon payment of the necessary fees.

Rule 71 through Rule 83—Omitted

Rule 84

FORMS

The following forms are sufficient under these Rules and are intended to indicate the simplicity and brevity of statement which the Rules contemplate:

(1) Complaint on a Promissory Note

1. On or about ....., 19....., defendant executed and delivered to plaintiff a promissory note [in the following words and figures: (here set out the note verbatim)]; [A copy of which is hereto annexed as Exhibit A]; [whereby defendant promised to pay to plaintiff or order on ....., 19....., the sum of ..... dollars with interest thereon at the rate of ..... per cent per annum].

2. Defendant owes to plaintiff the amount of said note and interest.

Wherefore, plaintiff demands judgment against defendant for the sum of ..... dollars, interest and costs.

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(2) Complaint on Account

Defendant owes plaintiff ..... dollars according to the account hereto annexed as Exhibit A.

Wherefore, plaintiff demands judgment against defendant for the sum of ..... dollars, interest and costs.

(3) Complaint for Negligence

1. On ....., 19....., at [name of place where accident occurred], defendant negligently drove a motor vehicle against plaintiff who was then crossing said street.

2. Defendant was negligent in that:

(a) Defendant drove at an excessive speed.

(b) Defendant drove through a red light.

(c) Defendant failed to yield the right of way to plaintiff in a marked cross walk.

3. As a result plaintiff was thrown down and had his leg broken and was otherwise injured, was prevented from transacting his business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization [in the sum of one thousand dollars] or [in an amount not yet determined].

Wherefore, plaintiff demands judgment against defendant in the sum of ..... dollars and costs.

(4) Complaint for Negligence

(Where Plaintiff is Unable to Determine Definitely Whether One or the Other of Two Persons is Responsible or Whether Both are Responsible and Where His Evidence May Justify a Finding of Wilfulness or of Recklessness or of Negligence.)

1. On ....., 19....., at ....., defendant X or defendant Y, or both defendants X and Y, wilfully or recklessly or negligently drove or caused to be driven a motor vehicle against plaintiff who was then crossing said street.

2. Defendant X or defendant Y, or both defendants X and Y were negligent in that:

(a) Either defendant or both defendants drove at an excessive speed.

(b) Either defendant or both defendants drove through a red light.

(c) Either defendant or both defendants failed to yield the right of way to plaintiff in a marked cross walk.

3. As a result plaintiff was thrown down and had his leg broken and was otherwise injured, was prevented from transacting his business, suffered great pain of body and mind, and incurred expenses for medical attention and hospitalization [in the sum of one thousand dollars] (or) [in an amount not yet determined].

Wherefore, plaintiff demands judgment against X or against Y or against both in the sum of ..... dollars and costs.

NOTE: This Act is not effective until July 1, 1969.

(5) Complaint for Specific Performance

1. On or about ....., 19....., plaintiff and defendant entered into an agreement in writing, a copy of which is hereto annexed as Exhibit A.

2. In accord with the provisions of said agreement plaintiff tendered to defendant the purchase price and requested a conveyance of the land, but defendant refused to accept the tender and refused to make the conveyance.

3. Plaintiff now offers to pay the purchase price.

Wherefore, plaintiff demands (1) that defendant be required specifically to perform said agreement, (2) damages in the sum of ..... dollars, and (3) that if specific performance is not granted plaintiff have judgment against defendant in the sum of .... dollars.

(6) Complaint in the Alternative

I.

Defendant owes plaintiff ..... dollars according to the account hereto annexed as Exhibit A.

II. ALTERNATIVE COUNT

Plaintiff claims in the alternative that defendant owes plaintiff ..... dollars for goods sold and delivered by plaintiff to defendant between ....., 19....., and ....., 19.....

(7) Complaint for Fraud

1. On ....., 19....., at ....., defendant with intent to defraud plaintiff represented to plaintiff that ....

2. Said representations were known by defendant to be and were false. In truth, [what the facts actually were].

3. Plaintiff believed and relied upon the false representations, and thus was induced to .....

4. As a result of the foregoing, plaintiff has been damaged [nature and amount of damage].

WHEREFORE, plaintiff demands judgment against defendant for ..... dollars, interest and costs.

(8) Complaint for Money Paid by Mistake

Defendant owes plaintiff ..... dollars for money paid by plaintiff to defendant by mistake under the following circumstances:

1. On ....., 19....., at ....., pursuant to a contract ....., plaintiff paid defendant ..... dollars.

NOTE: This Act is not effective until July 1, 1969.

(9) Motion for Judgment on the Pleadings

Plaintiff moves that judgment be entered for plaintiff on the pleadings, on the ground that the undisputed facts appearing therein entitle plaintiff to such judgment as a matter of law.

(10) Motion for More Definite Statement

Defendant moves for an order directing plaintiff to file a more definite statement of the following matters: [set out]

The ground of this motion is that plaintiff's complaint is so [vague] [ambiguous] in respect to these matters that defendant cannot reasonably be required to frame an answer hereto, in that the complaint .....
.....

(11) Answer to Complaint

First Defense

The complaint fails to state a claim against defendant upon which relief can be granted.

Second Defense

If defendant is indebted to plaintiff as alleged in the complaint, he is indebted to plaintiff jointly with X. X is alive; is a resident of the State of North Carolina, and is subject to the jurisdiction of this court as to service of process; and has not been made a party.

Third Defense

1. Defendant admits the allegations contained in paragraphs ..... and ..... of the complaint.

2. Defendant alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph ..... of the complaint.

3. Defendant denies each and every other allegation contained in the complaint.

Fourth Defense

The right of action set forth in the complaint did not accrue within ..... year next before the commencement of this action.

Counterclaim

[Here set forth any claim as a counterclaim in the manner in which a claim is pleaded in a complaint.]

Crossclaim Against Defendant Y

[Here set forth the claim constituting a crossclaim against defendant Y in the manner in which a claim is pleaded in a complaint.]

Dated:.....

.....

Attorney for Defendant

NOTE: This Act is not effective until July 1, 1969.

(12) Motion to Bring in Third Party Defendant

Defendant moves for leave to make X a party to this action and that there be served upon him summons and third-party complaint as set forth in Exhibit A attached.

(13) Third-Party Complaint

.....,
Plaintiff,
v.
.....,
Defendant and
Third-party Plaintiff,
v.
THIRD-PARTY COMPLAINT
.....
Third-party Defendant.

Civil Action No. .....

1. Plaintiff ..... has filed against defendant ..... a complaint, a copy of which is attached as 'Exhibit C'.

2. [Here state the grounds upon which the defendant and third-party plaintiff is entitled to recover from the third-party defendant all or part of what plaintiff may recover from the defendant and third-party plaintiff.]

Wherefore, plaintiff demands judgment against third-party defendant ..... for all sums that may be adjudged against defendant ..... in favor of plaintiff.

(14) Complaint for Negligence Under Federal Employer's Liability Act

1. During all the times herein mentioned defendant owned and operated in interstate commerce a railroad which passed through a tunnel located at ..... and known as Tunnel No. .....

2. On or about June 1, 19....., defendant was repairing and enlarging the tunnel in order to protect interstate trains and passengers and freight from injury and in order to make the tunnel more conveniently usable for interstate commerce.

3. In the course of thus repairing and enlarging the tunnel on said day defendant employed plaintiff as one of its workmen, and negligently put plaintiff to work in a portion of the tunnel which defendant had left unprotected and unsupported.

4. By reason of defendant's negligence in thus putting plaintiff to work in that portion of the tunnel, plaintiff was, while so working pursuant to defendant's orders, struck and crushed by a rock which fell from the unsupported portion of the tunnel, and was (here describe plaintiff's injuries).

NOTE: This Act is not effective until July 1, 1969.

5. Prior to these injuries, plaintiff was a strong, able-bodied man, capable of earning and actually earning ..... dollars per day. By these injuries he has been made incapable of any gainful activity, has suffered great physical and mental pain, and has incurred expense in the amount of ..... dollars for medicine, medical attendance, and hospitalization.

Wherefore, plaintiff demands judgment against defendant in the sum of ..... dollars and costs.

(15) Complaint for Interpleader and Declaratory Relief

1. On or about June 1, 19....., plaintiff issued to G. H. a policy of life insurance whereby plaintiff promised to pay to K. L. as beneficiary the sum of ..... dollars upon the death of G. H. The policy required the payment by G. H. of a stipulated premium on June 1, 19....., and annually thereafter as a condition precedent to its continuance in force.

2. No part of the premium due June 1, 19....., was ever paid and the policy ceased to have any force or effect on July 1, 19.....

3. Thereafter, on September 1, 19....., G. H. and K. L. died as the result of a collision between a locomotive and the automobile in which G. H. and K. L. were riding.

4. Defendant C. D. is the duly appointed and acting executor of the will of G. H.; defendant E. F. is the duly appointed and acting executor of the will of K. L.; defendant X. Y. claims to have been duly designated as beneficiary of said policy in place of K. L.

5. Each of defendants, C. D., E. F., and X. Y. is claiming that the above-mentioned policy was in full force and effect at the time of the death of G. H.; each of them is claiming to be the only person entitled to receive payment of the amount of the policy and has made demand for payment thereof.

6. By reason of these conflicting claims of the defendants, plaintiff is in great doubt as to which defendant is entitled to be paid the amount of the policy, if it was in force at the death of G. H.

Wherefore plaintiff demands that the court adjudge:

(1) That none of the defendants is entitled to recover from plaintiff the amount of said policy or any part thereof.

(2) That each of the defendants be restrained from instituting any action against plaintiff for the recovery of the amount of said policy or any part thereof.

(3) That, if the court shall determine that said policy was in force at the death of G. H., the defendants be required to interplead and settle between themselves their rights to the money due under said policy, and that plaintiff be discharged from all liability in the premises except to the person whom the court shall adjudge entitled to the amount of said policy.

(4) That plaintiff recover its costs.

(16) Averment of Capacity Under Rule 9(a)

NOTE: This Act is not effective until July 1, 1969.

(North Carolina Corporation)

Plaintiff is a corporation incorporated under the law of North Carolina having its principal office in [address].

(Foreign Corporation)

Plaintiff is a corporation incorporated under the law of the State of Delaware having [not having] a registered office in the State of North Carolina.

(Unincorporated Association)

Plaintiff is an unincorporated association organized under the law of the State of New York having its principal office in [address] and (if applicable) having a principal office in the State of North Carolina at [address], and as such has the capacity to sue in its own name in North Carolina."

Sec. 2. A new subchapter is hereby inserted in Chapter 1 of the General Statutes, to read as follows:

"SUBCHAPTER IIIA.—JURISDICTION

ARTICLE 6A

Jurisdiction

§ 1-75.1. Legislative Intent. This Article shall be liberally construed to the end that actions be speedily and finally determined on their merits. The rule that statutes in derogation of the common law must be strictly construed does not apply to this Article.

§ 1-75.2. Definitions. In this Article the following words have the designated meanings:

(a) 'Person' means any natural person, partnership, corporation, body politic, and any unincorporated association, organization, or society which may sue or be sued under a common name.

(b) 'Plaintiff' means the person named as plaintiff in a civil action, and where in this Article acts of the plaintiff are referred to, the reference includes the acts of his agent within the scope of the agent's authority.

(c) 'Defendant' means the person named as defendant in a civil action, and where in this Article acts of the defendant are referred to, the reference includes any person's acts for which the defendant is legally responsible. In determining for jurisdictional purposes the defendant's legal responsibility for the acts of another, the substantive liability of the defendant to the plaintiff is irrelevant.

(d) Where jurisdiction of the person is drawn into question in respect to any claim asserted under Rule 14 of the Rules of Civil Procedure, the terms 'Plaintiff' and 'Defendant' as above defined shall include a third-party plaintiff and a third-party defendant respectively.

§ 1-75.3. Jurisdictional Requirements for Judgments Against Persons, Status and Things. (a) Jurisdiction of Subject Matter Not Affected by

NOTE: This Act is not effective until July 1, 1969.

This Article. Nothing in this Article shall be construed to confer, enlarge or diminish the subject matter jurisdiction of any court.

(b) Personal Jurisdiction. A court of this State having jurisdiction of the subject matter may render a judgment against a party personally only if there exists one or more of the jurisdictional grounds set forth in § 1-75.4 or § 1-75.7 and in addition either:

(1) Personal service or substituted personal service of summons, or service of publication of a notice of service of process is made upon the defendant pursuant to Rule 4(j) of the Rules of Civil Procedure; or

(2) Service of a summons is dispensed with under the conditions in § 1-75.7.

(c) Jurisdiction in Rem or Quasi in Rem. A court of this State having jurisdiction of the subject matter may render a judgment in rem or quasi in rem upon a status or upon a property or other things pursuant to § 1-75.8 and the judgment in such action may affect the interests in the status, property or thing of all persons served pursuant to Rule 4(k) of the Rules of Civil Procedure.

§ 1-75.4. Personal Jurisdiction, Grounds for Generally. A court of this State having jurisdiction of the subject matter has jurisdiction over a person served in an action pursuant to Rule 4(j) of the Rules of Civil Procedure under any of the following circumstances:

(a) Local Presence or Status. In any action, whether the claim arises within or without this State, in which a claim is asserted against a party who when service of process is made upon such party:

(1) Is a natural person present within this State; or

(2) Is a natural person domiciled within this State; or

(3) Is a domestic corporation; or

(4) Is engaged in substantial activity within this State, whether such activity is wholly interstate, intrastate, or otherwise.

(b) Special Jurisdiction Statutes. In any action which may be brought under statutes of this State that specifically confer grounds for personal jurisdiction.

(c) Local Act or Omission. In any action claiming injury to person or property or for wrongful death within or without this State arising out of an act or omission within this State by the defendant.

(d) Local Injury; Foreign Act. In any action for wrongful death occurring within this State or in any action claiming injury to person or property within this State arising out of an act or omission outside this State by the defendant, provided in addition that at or about the time of the injury either:

(1) Solicitation or services activities were carried on within this State by or on behalf of the defendant; or

(2) Products, materials or things processed, serviced or manufactured by the defendant were used or consumed within this State in the ordinary course of trade.

(e) Local Services, Goods or Contracts. In any action which:

(1) Arises out of a promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to perform

NOTE: This Act is not effective until July 1, 1969.

services within this State or to pay for services to be performed in this State by the plaintiff; or

(2) Arises out of services actually performed for the plaintiff by the defendant within this State, or services actually performed for the defendant by the plaintiff within this State if such performance within this State was authorized or ratified by the defendant; or

(3) Arises out of a promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to deliver or receive within this State, or to ship from this State goods, documents of title, or other things of value; or

(4) Relates to goods, documents of title, or other things of value shipped from this State by the plaintiff to the defendant on his order or direction; or

(5) Relates to goods, documents of title, or other things of value actually received by the plaintiff in this State from the defendant through a carrier without regard to where delivery to the carrier occurred.

(f) Local Property. In any action which arises out of:

(1) A promise, made anywhere to the plaintiff or to some third party for the plaintiff's benefit, by the defendant to create in either party an interest in, or protect, acquire, dispose of, use, rent, own, control or possess by either party real property situated in this State; or

(2) A claim to recover for any benefit derived by the defendant through the use, ownership, control or possession by the defendant of tangible property situated within this State either at the time of the first use, ownership, control or possession or at the time the action is commenced; or

(3) A claim that the defendant return, restore, or account to the plaintiff for any asset or thing of value which was within this State at the time the defendant acquired possession or control over it.

(g) Deficiency Judgment on Local Foreclosure or Resale. In any action to recover a deficiency judgment upon an obligation secured by a mortgage, deed of trust, conditional sale, or other security instrument executed by the defendant or his predecessor to whose obligation the defendant has succeeded and the deficiency is claimed either:

(1) In an action in this State to foreclose such security instrument upon real property, tangible personal property, or an intangible represented by an indispensable instrument, situated in this State; or

(2) Following sale of real or tangible personal property or an intangible represented by an indispensable instrument in this State under a power of sale contained in any security instrument.

(h) Director or Officer of a Domestic Corporation. In any action against a defendant who is or was an officer or director of a domestic corporation where the action arises out of the defendant's conduct as such officer or director or out of the activities of such corporation while the defendant held office as a director or officer.

(i) Taxes or Assessments. In any action for the collection of taxes or assessments levied, assessed or otherwise imposed by a taxing authority of this State after the date of ratification of this Act.

NOTE: This Act is not effective until July 1, 1969.

(j) Insurance or Insurers. In any action which arises out of a contract of insurance as defined in G. S. 58-3 made anywhere between the plaintiff or some third party and the defendant and in addition either:

(1) The plaintiff was a resident of this State when the event occurred out of which the claim arose; or

(2) The event out of which the claim arose occurred within this State, regardless of where the plaintiff resided.

(k) Personal Representative. In any action against a personal representative to enforce a claim against the deceased person represented, whether or not the action was commenced during the lifetime of the deceased, where one or more of the grounds stated in subsections (b) to (j) of this Section would have furnished a basis for jurisdiction over the deceased had he been living.

§ 1-75.5. Joinder of Causes in the Same Action. In any action brought in reliance upon jurisdictional grounds stated in subsections (b) to (j) of § 1-75.4 there cannot be joined in the same action any other claim or cause against the defendant unless grounds exist under § 1-75.4 for personal jurisdiction over the defendant as to the claim or cause to be joined.

§ 1-75.6. Personal Jurisdiction; Manner of Exercising by Service of Process. A court of this State having jurisdiction of the subject matter and grounds for personal jurisdiction as provided in § 1-75.4 may exercise personal jurisdiction over a defendant by service of process in accordance with the provisions of Rule 4(j) of the Rules of Civil Procedure.

§ 1-75.7. Personal Jurisdiction; Grounds for Without Service of Summons. A court of this State having jurisdiction of the subject matter may, without serving a summons upon him, exercise jurisdiction in an action over a person:

(a) Who makes a general appearance in an action; or

(b) With respect to any counterclaim asserted against that person in an action which he has commenced in this State.

§ 1-75.8. Jurisdiction in Rem or Quasi in Rem, Grounds for Generally. A court of this State having jurisdiction of the subject matter may exercise jurisdiction in rem or quasi in rem on the grounds stated in this Section. A judgment in rem or quasi in rem may affect the interests of a defendant in a status, property or thing acted upon only if process has been served upon the defendant pursuant to Rule 4(k) of the Rules of Civil Procedure. Jurisdiction in rem or quasi in rem may be invoked in any of the following cases:

(a) When the subject of the action is real or personal property in this State and the defendant has or claims any lien or interest therein, or the relief demanded consists wholly or partially in excluding the defendant from any interest or lien therein. This subsection shall apply whether any such defendant is known or unknown.

(b) When the action is to foreclose, redeem or satisfy a deed of trust, mortgage, claim or lien upon real or personal property in this State.

(c) When the action is for a divorce or for annulment of marriage of a resident of this State.

NOTE: This Act is not effective until July 1, 1969.

(d) When the defendant has property within this State which has been attached or has a debtor within the State who has been garnished. Jurisdiction under this subsection may be independent of or supplementary to jurisdiction acquired under subsections (a), (b) and (c) of this Section.

(e) In any other action in which in rem or quasi in rem jurisdiction may be constitutionally exercised.

§ 1-75.9. Jurisdiction in Rem or Quasi in Rem; Manner of Exercising. A court of this State exercising jurisdiction in rem or quasi in rem pursuant to § 1-75.8 may affect the interests of a defendant in such an action only if process has been served upon the defendant in accordance with the provisions of Rule 4(k) of the Rules of Civil Procedure, but nothing herein shall prevent the court from making interlocutory orders for the protection of the res while the action is pending.

§ 1-75.10. Proof of Service of Summons, Defendant Appearing in Action. Where the defendant appears in the action and challenges the service of the summons upon him, proof of the service of process shall be as follows:

(a) Personal Service or Substituted Personal Service.

(1) If served by the sheriff of the county or other lawful process officer in this State where the defendant was found, by the officer's certificate thereof, showing place, time and manner of service; or

(2) If served by any other person, his affidavit thereof, showing place, time and manner of service; that he is an adult resident of the state of service and is not a party to the action; that he knew the person served to be the defendant mentioned in the summons and left with, as well as delivered to, him a copy; and if the defendant was not personally served, he shall state in such affidavit when, where and with whom such copy was left.

(b) Service by Publication. In case of publication, by the affidavit of the publisher or printer, or his foreman or principal clerk, showing the same and specifying the date of the first and last publication, and an affidavit of mailing of a copy of the complaint or notice, as the case may require, made by the person who mailed the same.

(c) Written Admission of Defendant. The written admission of the defendant, whose signature or the subscription of whose name to such admission shall be presumptive evidence of genuineness.

§ 1-75.11. Judgment Against Nonappearing Defendant, Proof of Jurisdiction. Where a defendant fails to appear in the action within apt time the court shall, before entering a judgment against such defendant, require proof of service of the summons in the manner required by § 1-75.10 and, in addition, shall require further proof as follows:

(a) Where Personal Jurisdiction is Claimed Over the Defendant. Where a personal claim is made against the defendant, the court shall require proof by affidavit or other evidence, to be made and filed, of the existence of any fact not shown by verified complaint which is needed to establish grounds for personal jurisdiction over the defendant. The court may require such additional proof as the interests of justice require.

NOTE: This Act is not effective until July 1, 1969.

(b) Where Jurisdiction is in Rem or Quasi in Rem. Where no personal claim is made against the defendant, the court shall require such proofs, by affidavit or otherwise, as are necessary to show that the court's jurisdiction has been invoked over the status, property or thing which is the subject of the action. The court may require such additional proof as the interests of justice require.

§ 1-75.12. Stay of Proceeding to Permit Trial in a Foreign Jurisdiction. (a) When Stay May be Granted. If, in any action pending in any court of this State, the judge shall find that it would work substantial injustice for the action to be tried in a court of this State, the judge on motion of any party may enter an order to stay further proceedings in the action in this State. A moving party under this subsection must stipulate his consent to suit in another jurisdiction found by the judge to provide a convenient, reasonable and fair place of trial.

(b) Subsequent Modification of Order to Stay Proceedings. In a proceeding in which a stay has been ordered under this Section, jurisdiction of the court continues for a period of five years from the entry of the last order affecting the stay; and the court may, on motion and notice to the parties, modify the stay order and take such action as the interests of justice require. When jurisdiction of the court terminates by reason of the lapse of five years following the entry of the last order affecting the stay, the clerk shall without notice enter an order dismissing the action.

(c) Review of Rulings on Motion. Whenever a motion for a stay made pursuant to subsection (a) above is granted, any non-moving party shall have the right of immediate appeal. Whenever such a motion is denied, the movant may seek review by means of a writ of certiorari and failure to do so shall constitute a waiver of any error the judge may have committed in denying the motion."

Sec. 3. The General Statutes are hereby amended as hereinafter set out:

(a) G. S. 1-15 is hereby amended by repealing the last sentence thereof.

(b) G. S. 1-87 is hereby amended by numbering the present provisions thereof as subsection "(a)" and adding the following subsection "(b)":

"(b) After a cause has been directed to be removed, and prior to the time that the transcript is deposited with the court to which the cause is removed, depositions may be taken in the cause, and subpoenas for the attendance of witnesses and commissions to take depositions may issue from either of the said courts, under the same rules as if the cause had been originally commenced in the court from which the subpoenas or commissions issued."

(c) G. S. 1-108 is hereby amended by striking out the first sentence thereof, and inserting in lieu of said sentence the following: "If a judgment is set aside pursuant to Rule 60(b) or (c) of the Rules of Civil Procedure and the judgment or any part thereof has been collected or otherwise enforced, such restitution may be compelled as the court directs."

(d) Article 11 of Chapter 1 of the General Statutes is hereby amended as follows:

NOTE: This Act is not effective until July 1, 1969.

(1) G. S. 1-116(c) is hereby rewritten to read as follows:

"(c) Notice of pending litigation may be filed:

(1) At or any time after the commencement of an action pursuant to Rule 3 of the Rules of Civil Procedure; or

(2) At or any time after real property has been attached; or

(3) At or any time after the filing of an answer or other pleading in which the pleading party states an affirmative claim for relief falling within the provisions of subsection (a) of this Section."

(2) G. S. 1-116.1 is hereby rewritten to read as follows:

"§ 1-116.1. Service of Notice. In all actions as defined in §1-116 in which notice of pendency of the action is filed, a copy of such notice shall be served on the other party or parties as follows:

(1) If filed by the plaintiff at or after service of summons but before the filing of the complaint, service shall be in the manner provided in Rule 4 of the Rules of Civil Procedure for service of summons.

(2) If filed by the plaintiff at or after the filing of the complaint, service shall be in the same manner as the complaint.

(3) All other such notices shall be served in the manner provided in Rule 5 of the Rules of Civil Procedure."

(3) G. S. 1-119 is hereby rewritten to read as follows:

"§ 1-119. Notice Void Unless Action Prosecuted. (a) The notice of lis pendens is of no avail unless it is followed by the first publication of notice of the summons or by an affidavit therefor pursuant to Rule 4 (j)(1)c of the Rules of Civil Procedure or by personal service on the defendant within 60 days after the cross-indexing.

(b) When an action is commenced by the issuance of summons and permission is granted to file the complaint within 20 days, pursuant to Rule 3 of the Rules of Civil Procedure, if the complaint is not filed within the time fixed by the order of the clerk, the notice of lis pendens shall become inoperative and of no effect. The clerk may on his own motion and shall on the ex parte application of any interested party cancel such notice of lis pendens by appropriate entry on the records, which entry shall recite the failure of the plaintiff to file his complaint within the time allowed. Such applications for cancellation, when made in a county other than that in which the action was instituted, shall include a certificate over the hand and seal of the clerk of the county in which the action was instituted that the plaintiff did not file his complaint within the time allowed. The fees of the clerk may be recovered against the plaintiff and his surety."

(e) G. S. 1-139 is hereby amended to read as follows:

"§ 1-139. Burden of Proof of Contributory Negligence. A party asserting the defense of contributory negligence has the burden of proof of such defense."

(f) G. S. 1-180 is hereby rewritten to read as follows:

"§ 1-180. Judge to Explain Law, But Give No opinion on Facts. No judge, in giving a charge to the petit jury in a criminal action, shall give an opinion whether a fact is fully or sufficiently proven, that being the

NOTE: This Act is not effective until July 1, 1969.

true office and province of the jury, but he shall declare and explain the law arising on the evidence given in the case. He shall not be required to state such evidence except to the extent necessary to explain the application of the law thereto; provided the judge shall give equal stress to the State and defendant in a criminal action."

(g) G. S. 1-180.1 is hereby amended by inserting the words, "In criminal actions" at the beginning of the first sentence thereof. Said first sentence is further amended by striking from the end thereof the words, "upon motion of any party to such action, plaintiff for defendant or upon motion of the solicitor for the State" and inserting in lieu thereof the words, "upon motion of a defendant or upon motion of the State".

(h) G. S. 1-182 is hereby amended by inserting the word "criminal" immediately before the word "action" in the first sentence thereof.

(i) G. S. 1-209(e) is hereby amended by striking out the references therein to "§§ 1-211, 1-212, and 1-213", and inserting in lieu thereof, "Rule 55 of the Rules of Civil Procedure".

(j) G. S. 1-277 is hereby amended by numbering the present provisions thereof as subsection "(a)" and adding thereto the following subsection "(b)":

"(b) Any interested party shall have the right of immediate appeal from an adverse ruling as to the jurisdiction of the court over the person or property of the defendant or such party may preserve his exception for determination upon any subsequent appeal in the cause."

(k) G. S. 1-393 is hereby amended to read as follows:

"§ 1-393. Chapter Applicable to Special Proceedings. The Rules of Civil Procedure and the provisions of this chapter on civil procedure are applicable to special proceedings, except as otherwise provided."

(l) G. S. 1-394 is hereby amended as follows:

(1) By striking out of the second sentence thereof the phrase, "The summons shall command the officer to summons the defendant or defendant to appear and answer the complaint," and inserting in lieu thereof the phrase, "The summons shall notify the defendant or defendants to appear and answer the complaint,".

(2) By rewriting the third sentence thereof to read as follows: "The summons must run in the name of the State, and be dated and signed by the clerk, assistant clerk or deputy clerk of the superior court having jurisdiction in the special proceeding, and be directed to the defendant or defendants, and be delivered for service to some proper person, as defined by Rule 4(a) of the Rules of Civil Procedure."

(3) By striking out the reference in the fourth sentence thereof to "§ 1-89" and inserting in lieu thereof, "Rule 4 of the Rules of Civil Procedure".

(m) G. S. 1-395 is hereby amended by rewriting the first sentence thereof to read as follows: "The person to whom the summons is delivered for service shall note on it the day of its delivery to him, and, if required by the plaintiff, shall execute it immediately."

NOTE: This Act is not effective until July 1, 1969.

(n) G. S. 1-440.1(b) is hereby amended to read as follows:

"(b) No personal judgment, even for costs, may be rendered against a defendant unless personal jurisdiction has been acquired as provided in G. S. 1-75.3."

(o) G. S. 1-440.6(a) is hereby amended to read as follows:

"(a) The order of attachment may be issued at the time the summons is issued or at any time thereafter."

(p) G. S. 1-440.7 is hereby amended as follows:

(1) By striking out of subdivision (2)a the reference to "§ 1-104" and inserting in lieu thereof, "Rule 4(j)(1)a or b of the Rules of Civil Procedure".

(2) By striking out of subdivision (2)b the reference to "§ 1-99" and inserting in lieu thereof, "Rule 4(j)(1)c of the Rules of Civil Procedure".

(q) G. S. 1-440.14 is hereby amended as follows:

(1) Subsection (a) is rewritten to read, "(a) When service of process by publication is made subsequent to the original order of attachment, the published and mailed notice of service of process shall include notice of the issuance of the order of attachment."

(2) The first sentence of subsection (b) is rewritten to read, "When the original order of attachment is issued after publication is begun, a notice of the issuance of the order of attachment shall be published once a week for four successive weeks in some newspaper published in the county in which the action is pending, such publication to be commenced within 30 days after the issuance of the order of attachment."

(3) Subsection "(d)" is repealed.

(r) G. S. 1-485 is hereby amended by inserting the word "Preliminary" in lieu of the word "temporary" in the catch line and the first sentence thereof.

(s) G. S. 1-498 is hereby rewritten to read as follows:

"§ 1-498. Application to Extend, Modify, or Vacate, Before Whom Heard. Applications to extend, modify, or vacate temporary restraining orders and preliminary injunctions may be heard by the judge having jurisdiction if he is within the district or in an adjoining district, but if out of the district and not in an adjoining district, then before any judge who is at the time in the district, and if there is no judge in the district, before any judge in an adjoining district."

(t) G. S. 1-514 is hereby amended by adding at the end thereof the following sentence: "To the extent that rules of procedure are not provided for in this Article, the Rules of Civil Procedure shall apply."

(u) G. S. 1-593 is hereby amended to read as follows:

"§ 1-593. How Computed. The time within which an act is to be done, as provided by law, shall be computed in the manner prescribed by Rule 6(a) of the Rules of Civil Procedure."

(v) G. S. 7A-196 is hereby amended to read as follows:

"§ 7A-196. Jury Trials. (a) In civil cases in the district court there shall be a right to trial by a jury of 12 in conformity with Rules 38 and 39 of the Rules of Civil Procedure.

NOTE: This Act is not effective until July 1, 1969.

"(b) In criminal cases there shall be no jury trials in the district court. Upon appeal to superior court trial shall be de novo, with jury trial as provided by law."

(w) G. S. 8-59 is hereby amended to read as follows:

"§ 8-59. Issue and Service of Subpoena. In obtaining the testimony of witnesses in causes depending in the superior, criminal and inferior courts, subpoenas shall be issued and served in the manner provided in Rule 45 of the Rules of Civil Procedure for civil actions."

(x) G. S. 8-61 is hereby rewritten to read as follows:

"§ 8-61. Subpoena for the Production of Documentary Evidence. Subpoenas for the production of records, books, papers, documents, or tangible things may be issued in criminal actions in the same manner as provided for civil actions in Rule 45 of the Rules of Civil Procedure".

(y) G. S. 41-11 is hereby amended by striking out the reference therein to "G. S. 1-94" and inserting in lieu thereof, "Rule 4 of the Rules of Civil Procedure".

(aa) G. S. 43-9 is hereby amended by rewriting the first sentence thereof to read as follows: "Summons shall be issued and shall be returnable as in other cases of special proceedings, except that the return shall be at least 60 days from the date of the summons."

(bb) G. S. 50-8 is hereby amended by striking out the several references therein to "G. S. 1-145", and inserting in lieu thereof in each place that the same appears, "Rule 11 of the Rules of Civil Procedure".

(cc) Chapter 55 of the General Statutes is hereby amended by adding the following Section:

"G. S. 55-146.1. Alternative Jurisdiction Over and Service of Process on Foreign Corporations. In addition to the procedures set out in this Chapter, foreign corporations may be served with process and subjected to the jurisdiction of the courts of this State pursuant to applicable provisions of Chapter 1 and Chapter 1A of the General Statutes."

(dd) Chapter 55A of the General Statutes is hereby amended by adding the following Section:

"§ 55A-68.1. Alternative Jurisdiction Over and Service of Process on Foreign Corporations. In addition to the procedures set out in this Chapter foreign corporations may be served with process and subjected to the jurisdiction of the courts of this State pursuant to applicable provisions of Chapter 1 and Chapter 1A of the General Statutes."

(ee) Chapter 58 of the General Statutes is hereby amended by inserting the following Section:

"§ 58-153.2. Alternative Service of Process on Insurers. In addition to the procedures set out in this Chapter, insurers may be served with process and subjected to the jurisdiction of the courts of this State pursuant to applicable provisions of Chapter 1 and Chapter 1A of the General Statutes."

(ff) G. S. 130-205 is hereby amended by adding to the end thereof ", and Rule 65 of the Rules of Civil Procedure."

NOTE: This Act is not effective until July 1, 1969.

(gg) G. S. 7A-258(f) is hereby amended by rewriting the second sentence thereof to read, "In no other case does the filing of a motion to transfer waive any rights under other motions or pleadings, nor does it prevent the filing of other motions or pleadings, except as provided in Rule 12 of the Rules of Civil Procedure."

(hh) G. S. 7A-258(g) is hereby amended by striking out the period at the end thereof and adding thereto the following: "; provided, however, that transfer may be sought in a responsive pleading when permitted by Rules 7(b) and 12 (b) of the Rules of Civil Procedure."

Sec. 4. The following Sections of the General Statutes of North Carolina are hereby repealed:

§ 1-9	§ 1-102	§ 1-146	§ 1-184
1-12	1-103	1-147	1-185
1-14	1-104	1-150	1-187
1-16	1-105	1-151	1-188
1-25	1-105.1	1-152	1-189
1-61	1-106	1-153	1-190
1-63	1-107	1-154	1-191
1-64	1-107.1	1-155	1-192
1-65	1-107.2	1-156	1-193
1-65.1	1-107.3	1-157	1-194
1-65.2	1-115	1-158	1-195
1-65.3	1-121	1-159	1-196
1-65.4	1-122	1-160	1-197
1-66	1-123	1-161	1-198
1-67	1-124	1-162	1-199
1-68	1-125	1-163	1-200
1-69	1-126	1-165	1-201
1-70	1-127	1-167	1-203
1-71	1-128	1-168	1-204
1-73	1-129	1-169	1-205
1-74	1-130	1-169.1	1-206
1-75	1-131	1-169.2	1-207
1-87.1	1-132	1-169.3	1-208
1-88	1-133	1-169.4	1-211
1-88.1	1-134	1-169.5	1-212
1-89	1-134.1	1-169.6	1-213
1-90	1-135	1-170	1-214
1-91	1-136	1-171	1-215
1-94	1-137	1-172	1-218
1-95	1-138	1-173	1-219
1-96	1-140	1-175	1-220
1-97	1-141	1-176	1-221
1-98	1-142	1-177	1-222
1-99	1-143	1-178	1-224
1-100	1-144	1-179	1-225
1-101	1-145	1-183	1-226

NOTE: This Act is not effective until July 1, 1969.

§ 1-227	§ 1-568.1	§ 1-568.21	§ 1-590
1-247	1-568.2	1-568.22	1-591
1-248	1-568.3	1-568.23	1-592
1-249	1-568.4	1-568.24	8-50(b)
1-250	1-568.5	1-568.25	8-50(c)
1-251	1-568.6	1-568.26	8-60
1-252	1-568.7	1-568.27	8-62
1-489	1-568.8	1-577	8-71
1-490	1-568.9	1-578	8-72
1-491	1-568.10	1-579	8-73
1-492	1-568.11	1-580	8-85
1-496	1-568.12	1-581	8-86
1-497	1-568.13	1-582	8-87
1-499	1-568.14	1-583	8-88
1-511	1-568.15	1-584	8-89
1-512	1-568.16	1-585	8-90
1-513	1-568.17	1-586	8-91
1-541	1-568.18	1-587	
1-542	1-568.19	1-588	
1-543	1-568.20	1-589	

Sec. 5. All those portions of Chapter 1 of the General Statutes of North Carolina not repealed by this Act, not amended by this Act, or not in conflict with this Act, are hereby re-enacted.

Sec. 6. All provisions of the General Statutes of North Carolina which refer to Sections repealed or amended by this Act shall be deemed, insofar as possible, to refer to those provisions of this Act which accomplish the same or an equivalent purpose.

Sec. 7. None of the provisions of this Act providing for the repeal of certain Sections of the General Statutes shall constitute a re-enactment of the Common Law.

Sec. 8. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect on and after July 1, 1969, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 456 **CHAPTER 955**

AN ACT TO AMEND ARTICLE 23 OF CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA PERTAINING TO THE STATE EDUCATION ASSISTANCE AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Section 116-202 of the General Statutes of North Carolina is amended by rewriting the first paragraph thereof to read as follows:

"In order to facilitate the vocational and college education of residents of this State and to promote the industrial and economic development of the State, the State Education Assistance Authority (hereinafter created) is hereby authorized and empowered to buy and sell obligations of students attending institutions of higher education or post-secondary business, trade, technical, and other vocational schools, which obligations represent loans made to such students for the purpose of obtaining training or education."

Sec. 2. Section 116-206 of the General Statutes of North Carolina is amended by striking out the words "of this State" in line 4 thereof. Section 116-206 is further amended by striking out the words "not exceeding eighty per cent (80%)" in lines 4 and 5 and substituting therefor the words: "of one hundred per cent (100%)".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from the date of ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 505 **CHAPTER 956**

AN ACT TO AMEND THE FIDUCIARY POWERS ACT TO MAKE THE AUTHORITY OF THE FIDUCIARY TO APPORTION AND ALLOCATE RECEIPTS AND EXPENSES SUBJECT TO THE UNIFORM PRINCIPAL AND INCOME ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 32-27(29), as the same appears in 1966 Replacement Volume 2A of the General Statutes, is hereby amended by rewriting the first line thereof to read, "(29) Apportion and Allocate Receipts and Expenses. Where not otherwise provided by the Uniform Principal and Income Act, as contained in Chapter 37 of the General Statutes, to determine:".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 542 **CHAPTER 957**

AN ACT AMENDING THE STATUTES RELATING TO MARRIAGE RECORDS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 51-2 is hereby rewritten to read as follows:

"§ 51-2. Capacity to Marry. (a) All unmarried persons of 18 years, or older, may lawfully marry, except as hereinafter forbidden. In addition, persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for such marriage, only after there shall have been filed with the register of deeds a written consent to such marriage, said consent having been signed by the appropriate person as follows:

"(1) By the father if the male or female child applying to marry resides with his or her father, but not with his or her mother;

"(2) By the mother if the male or female child applying to marry resides with his or her mother, but not with his or her father;

"(3) By either the mother or father, without preference, if the male or female child applying to marry resides with his or her mother and father;

"(4) By a person, agency, or institution having legal custody, standing in loco parentis, or serving as guardian of such male or female child applying to marry.

"(b) When an unmarried female who is more than 12 years old, but less than 18 years old, is pregnant or has given birth to a child and such unmarried female and the putative father of the child, either born or unborn, shall agree to marry, and consent in writing to such marriage, as set out in subsection (a), subdivisions (1), (2), (3) or (4) above, or by the director of public welfare of the county of residence of either party, is given on the part of the female, the register of deeds is authorized to issue to said parties a license to marry, and it shall be lawful for them to marry in accordance with the provisions of this chapter.

"(c) When a license to marry is procured by or on behalf of any person under 18 years of age by fraud or misrepresentation, a parent or person standing in loco parentis to such person under 18 years of age shall be a proper party plaintiff in an action to annul said marriage."

Sec. 2. G. S. 51-8 is hereby rewritten to read as follows:

"§ 51-8. License Issued by Register of Deeds. Every register of deeds shall, upon proper application, issue a license for the marriage of any two persons if it appears that such persons are authorized to be married in accordance with the laws of this State. In making a determination as to whether or not the parties are authorized to be married under the laws of this State, the register of deeds may require the applicants for the license to marry to present certified copies of birth certificates or birth registration cards provided for in G. S. 130-73, or such other evidence as the register of deeds deems necessary to such determination. The register of deeds may administer an oath to any person presenting evidence relating to whether or not parties applying for a marriage license are eligible to be married pursuant to the laws of this State."

Sec. 3. G. S. 51-14 is hereby repealed.

Sec. 4. G. S. 51-15 is hereby amended by striking out the words "for the marriage of persons under the age of eighteen years" appearing in the first and second lines thereof.

Sec. 5. G. S. 51-7 is hereby amended by striking out the word "thirty" in the fourth line thereof, and substituting therefor the word "ten".

Sec. 6. G. S. 51-6 is hereby amended by adding a sentence at the end thereof to read as follows: "There must be at least two witnesses to the marriage ceremony."

Sec. 7. G. S. 51-16 is hereby amended by deleting the words "one or more" appearing in line 30 thereof, and substituting in lieu thereof the word "two".

Sec. 8. G. S. 51-18 is hereby amended by deleting the words "all or at least two of the" appearing in the 17th and 18th lines thereof, and substituting in lieu thereof the word "two".

Sec. 9. G. S. 51-6 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Whenever a man and woman have been lawfully married in accordance with the laws of the state in which the marriage ceremony took place, and said marriage was performed by a Justice of the Peace or some other civil official duly authorized to perform such ceremony, and the parties thereafter wish to confirm their marriage vows before an ordained minister or minister authorized by his church, nothing herein shall be deemed to prohibit such confirmation ceremony; provided, however, that such confirmation ceremony shall not be deemed in law to be a marriage ceremony, such confirmation ceremony shall in no way affect the validity or invalidity of the prior marriage ceremony performed by a civil official, no license for such confirmation ceremony shall be issued by a register of deeds, and no record of such confirmation ceremony may be kept by a register of deeds."

Sec. 10. G. S. 51-21 is hereby amended by changing the period at the end of subsection (4) (fifth paragraph) thereof to a semicolon and by adding the following: "provided, however, that if the evidence offered under this paragraph is insufficient to convince the register of deeds that the marriage ceremony took place, or any of the pertinent facts relating thereto, the applicants may bring a special proceeding before the clerk of superior court of the county in which the purported marriage ceremony took place. The said clerk of the superior court is authorized to hear the evidence and make findings as to whether or not the purported ceremony took place and as to any pertinent facts relating thereto. If the clerk finds that the marriage did take place as alleged, he is to certify such findings to the register of deeds who is to then issue a delayed marriage certificate in accordance with the provisions of this Section."

Sec. 11. G. S. 51-9 is hereby amended by (1) rewriting the second sentence thereof so that it will read as follows: "Such certificate shall be accompanied by a report from a laboratory approved by the State Board of Health for making such test showing that a serologic test for syphilis currently approved by the United States Public Health Service was made, such test to have been made within 30 days of the time application for license is made."; and (2) by changing the word "serological" in line 11 of said Section to the word "serologic".

Sec. 12. G. S. 51-10 (b) (1) is hereby amended by changing the word "marriageable" in line 3 thereof to the word "marital".

Sec. 13. G. S. 51-11 is hereby amended by deleting the third paragraph thereof.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and affect upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 560

CHAPTER 958

AN ACT TO ADD G. S. 143-118.1 AFFIRMING THE AUTHORITY OF THE BOARD OF MENTAL HEALTH TO COMPROMISE STATE MENTAL HOSPITAL ACCOUNTS.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of Chapter 143 of the General Statutes is amended by adding a new Section following G. S. 143-118 to be designated G. S. 143-118.1 to read as follows:

"Governing Board May Compromise Account. The respective boards of trustees or directors of each of said institutions, by whatever name they may be called, or the North Carolina Board of Mental Health or the agent of these said boards, to whom this power has been delegated by resolution of the respective boards, are hereby empowered to enter into contracts of compromise of accounts owing the said institutions for past, present or future care at the said institutions, including but not limited to the authority to enter into a contract to charge nothing, which contract shall be binding on the respective institution under the terms and for the period specified in such contract. The rate of charge fixed by such contract shall be paid on a monthly basis, or in lump sum for those amounts already accrued for the duration of the contract; said rates or decision to make no charge shall be determined in the discretion of the board or their agents by the ability to pay of the patient or those responsible in law for his support. In any action by any of the said institutions for the recovery of the cost of the care, maintenance and treatment of any inmate, a verified and itemized statement of account accompanied by a contract entered into pursuant to this Section shall have the same effect in instituting a prima facie case as the statement of account filed pursuant to G. S. 143-118. This Section shall not be construed as mandatory and if such contract is not entered into or shall terminate, or if the obligor shall default in the payment of the said compromise amount or any installment thereof, then the full monthly charge shall accrue on the patient's account."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 561 **CHAPTER 959**

AN ACT TO PROVIDE FOR A LIEN TO BENEFIT STATE MENTAL HOSPITALS.

The General Assembly of North Carolina do enact:

Section 1. Article 7 of Chapter 143 of the General Statutes is amended by adding a new Section following G. S. 143-126 to be designated "G. S. 143-126.1" to read as follows:

"(a) There is hereby created a general lien, enforceable as hereinafter provided, on both the real and personal property of any person who is receiving or who has received care and maintenance in any of the State institutions listed in G. S. 143-117, to the extent of the total amount of the unpaid balance shown on the certified statement of account for charges from and after July 1, 1967.

"(b) Such general lien for the unpaid balance for care and maintenance at the aforementioned hospitals shall apply alike to the property, both real and personal, of the patient whether held by the patient or a trustee or guardian of the patient.

"(c) At a time deemed suitable in the discretion of the Board of Mental Health or its duly authorized agents, there may be filed a statement containing the following:

(1) The name of the patient;

(2) The inclusive dates of hospitalization and a statement that hospitalization is continuing if such is applicable;

(3) The name of the hospital or hospitals providing care; and

(4) The amount of the unpaid balance as evidenced by a certified statement of account.

"Such statement may be filed in the office of the Clerk of Superior Court in the county of residence of the patient and in each county or counties in which the patient owns an interest. The statement shall be filed and indexed by the Clerk.

"(d) From the time of filing, such statement shall be and constitute due notice of a lien against the real property then owned or thereafter acquired by the patient and lying in such county to the extent of the total amount of the unpaid balance for the patient's support and maintenance as evidenced by the certified statement of account for charges from and after July 1, 1967. Payments made by a fiduciary, including those made by a Clerk of Superior Court, in full or partial satisfaction of such lien, shall constitute a valid expenditure as provided in G. S. 143-119.

"(e) The lien thus established shall take priority over all other liens subsequently acquired and shall continue from the date of filing until satisfied. No action to enforce such lien may be brought more than three years from the last date of filing of such lien nor more than three years after the death of any patient. The failure to bring such action or the failure of the Board or its agents to file said statement shall not be a complete bar against recovery but shall only extinguish the lien and priority thereby established.

"(f) Upon receipt of the full unpaid balance of the State institution or Board of Mental Health or upon agreement of compromise of such un-

paid balance, the Board of Mental Health or its duly authorized agents shall notify the Clerks of Superior Court who have recorded a lien and shall indicate that such unpaid balance has been paid and the Clerks shall cancel the lien of record."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 562 CHAPTER 960

AN ACT TO AMEND G. S. 143-126 PROVIDING FOR THE RECORDATION OF A LIEN FOR STATE MENTAL HOSPITALS' CHARGES UPON THE DEATH OF A PATIENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-126 is hereby amended by designating the present Section as subsection (a) thereof and by adding new subsections to read as follows:

"(b) Upon the death of a patient, the Board of Mental Health or their duly authorized agents shall file a statement containing the following:

(1) The name of the patient;

(2) The date of the patient's death;

(3) The inclusive dates of hospitalization;

(4) The name of the hospital or hospitals providing care; and

(5) The amount of the unpaid balance as evidenced by a certified statement of account.

Such statement shall be filed in the office of the Clerk of the Superior Court in the county of residence of the deceased patient and may be filed in the county or counties in which real property is located in which the deceased patient owns an interest. The statement shall be filed and indexed by the Clerk.

"(c) From the time of filing, such statement shall be and constitute due notice of a lien against the real property then owned in whole or in part by the deceased patient and lying in such county to the extent of the total amount of the unpaid balance for the patient's support and maintenance as evidenced by the certified statement of account. Payments made by a fiduciary including those made by a Clerk of Superior Court, in full or partial satisfaction of such lien, shall constitute a valid expenditure as provided in G. S. 143-119.

"(d) No action to enforce such lien may be brought more than three years from the date of death of the patient. The failure to bring such action or the failure of the Board or its duly authorized agents to file such statement shall not be a complete bar against recovery but shall only extinguish the lien and priority thereby established.

"(e) Upon receipt of the unpaid balance by the State institution or Board or upon agreement of compromise of such unpaid balance, the Board of Mental Health or its duly authorized agents shall notify the

Clerks of Superior Court who shall have recorded the lien and shall indicate that such unpaid balance has been paid and the Clerks shall cancel the lien of record."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 604

CHAPTER 961

AN ACT TO AMEND G. S. 20-9(d) REMOVING "GRAND MAL EPILEPSY" FROM LIST OF PERSONS WHICH SHALL NOT BE LICENSED TO OPERATE A MOTOR VEHICLE.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 20-9, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by striking out in line two thereof the words "grand mal epileptic."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 618

CHAPTER 962

AN ACT TO ALLOW ASSISTANT CLERKS OF DOMESTIC RELATIONS COURTS TO SIGN WARRANTS.

The General Assembly of North Carolina do enact:

Section 1. In G. S. 7-104, Volume 1B (Recompiled in 1953), on line 16 after the word "clerk" and before the words "for said court," insert "and such number of deputy clerks as are needed."

Sec. 2. In G. S. 7-104, Volume 1B (Recompiled in 1953), on line 16 after the word "clerk" and before the words "to be fixed" insert "and deputy clerks."

Sec. 3. In G. S. 7-106, Volume 1B (Recompiled in 1953), on line 10, after the words "The judge," insert a comma, and after the word "clerk" and before the words "of said court," insert "and deputy clerks."

Sec. 4. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 731 **CHAPTER 963**

AN ACT TO AMEND CHAPTER 313 OF THE 1965 SESSION LAWS AUTHORIZING THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO SET THE NUMBER OF EMPLOYEES IN CERTAIN COUNTY OFFICES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 313 of the 1965 Session Laws is hereby amended by striking from Section 4 thereof the following: "1965" and inserting in lieu thereof the following: "1967". Nothing in this Act shall invalidate any provision of Senate Bill 188, ratified April 12, 1967.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 809 **CHAPTER 964**

AN ACT PROHIBITING THE ATTAINING OF AMBULANCE SERVICE WITHOUT THE INTENT TO PAY THEREFOR IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Any person who with intent to defraud shall obtain ambulance services without intending at the time of obtaining such services to pay, if financially able, any reasonable charges therefor shall be guilty of a misdemeanor, and shall upon conviction be fined or imprisoned in the discretion of the court. A determination by the court that the recipient of such services has wilfully failed to pay for the services rendered for a period of 90 days after request for payment, and that the recipient is financially able to do so, shall raise a presumption that the recipient at the time of obtaining the services intended to defraud the provider of the services and did not intend to pay for the services.

Sec. 2. This Act shall apply to Alamance, Anson, Caswell, Davie, Gaston, Guilford, Orange, Randolph and Surry Counties only.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 883 **CHAPTER 965**

AN ACT TO AMEND G. S. 105-280 AS THE SAME APPLIES TO CALDWELL AND ALEXANDER COUNTIES SO AS TO FIX THE VALUATION DATE FOR INVENTORIES FOR AD VALOREM PROPERTY TAX PURPOSES AS THE FIRST DAY OF TAXPAYER'S FISCAL YEAR.

The General Assembly of North Carolina do enact:

Section 1. When property required to be listed in Caldwell and Alexander Counties pursuant to G. S. 105-280 consists of inventories including goods held for resale, raw materials, goods in process and other goods and materials held and used in connection with the taxpayer's mercantile or manufacturing business such inventories shall be listed as directed in G. S. 105-280 except that in the case of a fiscal year taxpayer the value placed on such property shall be its value on the first day of the taxpayer's last fiscal year which began prior to the date on which such property is required to be listed for ad valorem tax purposes.

Sec. 2. This Act shall apply only to Caldwell and Alexander Counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on January 1, 1968.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1041 **CHAPTER 966**

AN ACT TO AMEND G. S. 20-9 RELATING TO PERSONS WHO SHALL NOT BE LICENSED TO OPERATE A MOTOR VEHICLE, ESTABLISHING REVIEW PROCEDURE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-9, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by adding a new subsection to be designated as subsection "(g)", to read as follows:

"(g) The Department may issue an operator's or chauffeur's license to any applicant covered by subsection (e) of this Section under the following conditions:

(1) The Department may issue a license to any person who is afflicted with or suffering from physical or mental disability set out in subsection (e) of this Section who is otherwise qualified to obtain a license, provided such person submits to the Department a certificate in the form prescribed in subsection (2). Unless sooner revoked, suspended or cancelled, such license continues in force as long as the licensee presents to the Department one year from the date of issuance of such license and at yearly intervals thereafter a certificate in the form prescribed in subsection (2), provided the Commissioner may require the submission of such certificate at six months intervals where in his opinion public safety demands. In no event shall a license issued pursuant to this Section be valid beyond the birthday of the licensee in the fourth year following the year of issuance, at which time the license is subject to renewal.

(2) The Department shall not issue a license pursuant to this Section unless the applicant has submitted to a physical examination by a physician or surgeon duly licensed to practice medicine in this State and unless such examining physician or surgeon has completed and signed the certificate required by subsection (1). Such certificate shall be devised by the Commissioner with the advice of qualified experts in the field of diagnosing and treating physical and mental disorders as he may select to assist him and shall be designed to elicit the maximum medical information necessary to aid in determining whether or not it would be a hazard to public safety to permit the applicant to operate a motor vehicle, including, if such is the fact, the examining physician's statement that the applicant is under medication and treatment and that such person's physical or mental disability is controlled. The certificate shall contain a waiver of privilege and the recommendation of the examining physician to the Commissioner as to whether a license should be issued to the applicant.

(3) The Commissioner is not bound by the recommendation of the examining physician but shall give fair consideration to such recommendation in exercising his discretion in acting upon the application, the criterion being whether or not, upon all the evidence, it appears that it is safe to permit the applicant to operate a motor vehicle. The burden of proof of such fact is upon the applicant. In deciding whether to issue or deny a license, the Commissioner may be guided by opinion of experts in the field of diagnosing and treating the specific physical or mental disorder suffered by an applicant and such experts may be compensated for their services on an equitable basis. The Commissioner may also take into consideration any other factors which bear on the issue of public safety.

(4) Whenever a license is denied by the Commissioner, such denial may be reviewed by a reviewing board upon written request of the applicant filed with the Department within 10 days after receipt of such denial. The reviewing board shall consist of the Commissioner or his authorized representative and four persons designated by the Chairman of the State Board of Health. The persons designated by the Chairman of the State Board of Health shall be either members of the State Board of Health or physicians duly licensed to practice medicine in this State. The members so designated by the Chairman of the State Board of Health shall receive the same per diem and expenses as provided by law for members of the State Board of Health, which per diem and expenses shall be charged to the same appropriation as per diems and expenses for members of the State Board of Health. The Commissioner or his authorized representative, plus any two of the members designated by the Chairman of the State Board of Health, constitute a quorum. The procedure for hearings authorized by this Act shall be as follows:

(a) Applicants shall be afforded an opportunity for hearing, after reasonable notice of not less than 10 days, before the review board established by subsection (4) of this Act. The notice shall be in writing and shall be delivered to the applicant in person or sent by registered mail, with return receipt requested. The notice shall state the time, place, and subject of the hearing.

(b) The review board may compel the attendance of witnesses and the production of such books, records and papers as it desires at a hearing authorized by the Act. Upon request of an applicant, a subpoena to compel the attendance of any witness or a subpoena duces tecum to compel the production of any books, records, or papers shall be issued by the board. Subpoenas shall be directed to the sheriff of the county where the witness resides or is found and shall be served and returned in the same manner as a subpoena in a criminal case. Fees of the sheriff and witnesses shall be the same as that allowed in the County Recorder's Court or District Court in cases before that Court and shall be paid in the same manner as other expenses of the Department of Motor Vehicles are paid. In any case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, the District Court or Superior Court where such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, shall compel obedience or punish as for contempt.

(c) A hearing may be continued upon motion of the applicant for good cause shown with approval of the board or upon order of the board.

(d) The board shall pass upon the admissibility of evidence at a hearing but the applicant affected may at the time object to the board's ruling, and, if evidence offered by an applicant is rejected the party may proffer the evidence, and such proffer shall be made a part of the record. The board shall not be bound by common law or statutory rules of evidence which prevail in courts of law or equity and may admit and give probative value to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. They may exclude incompetent, immaterial, irrelevant and unduly repetitious evidence. Uncontested facts may be stipulated by agreement between an applicant and the board and evidence relating thereto may be excluded. All evidence, including records and documents in the possession of the Department of Motor Vehicles or the board, of which the board desires to avail itself shall be made a part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. The board shall prepare an official record, which shall include testimony and exhibits. A record of the testimony and other evidence submitted shall be taken, but it shall not be necessary to transcribe shorthand notes or electronic recordings unless requested for purposes of court review.

(e) Every decision and order adverse to an applicant shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the board's conclusions on each contested issue of fact. Counsel for applicant, or applicant, if he has no counsel, shall be notified of the board's decision in person or by registered mail with return receipt requested. A copy of the board's decision with accompanying findings and conclusions shall be delivered or mailed upon request to applicant's attorney of record or to applicant, if he has no attorney.

(f) Actions of the reviewing board are subject to judicial review as provided under Article 33 of Chapter 143 of the General Statutes.

(g) An applicant or licensee who has been denied a license pursuant to a hearing before the board may not file a new application until the expiration of two years after the date of such denial by the board.

(h) All records and evidence collected and compiled by the Department and the reviewing board shall not be considered public records within the meaning of Chapter 132-1, and following, of the General Statutes of North Carolina and may be made available to the public only upon an order of a court of competent jurisdiction. All information furnished by or on behalf of an applicant under this Section shall be without prejudice and shall be for the use of the Department, the reviewing board or the court in administering this Act and shall not be used in any manner as evidence, or for any other purposes in any trial, civil or criminal."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1139 CHAPTER 967

AN ACT TO AUTHORIZE AN ELECTION ON THE QUESTION OF CONSOLIDATION OF THE TOWN OF DRAPER, THE CITY OF LEAKSVILLE, THE TOWN OF SPRAY, AND THE MEADOW GREENS SANITARY DISTRICT AS A SINGLE MUNICIPALITY.

The General Assembly of North Carolina do enact:

Section 1. (a) There shall be conducted on Tuesday, September 12, 1967, in the area described in Section 2 (a) of this Act, a special election on the question of consolidation of the Town of Draper, the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District as a single municipality and a vote in favor of such consolidation shall constitute a vote for such single municipality to assume the obligations of the Town of Draper, the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District. Such special election shall be conducted in the Town of Draper, the City of Leaksville, the Town of Spray by the respective municipal governing bodies, and in the remainder of the described area by the Board of Elections of Rockingham County.

(b) No new or special registration of voters shall be required for such special election in the three municipalities, but the Board of Elections shall conduct a special registration of voters in that portion of the area described in Section 2(a) which lies outside the corporate limits of the three municipalities. The registration books of each of the three municipalities shall be used in conducting the election in each respective municipality, and the special registration book or books hereinabove provided for shall be used in conducting the election in the remainder of the described area. The existing precincts and polling places shall be used in the three municipalities, and the Board of Elections of Rockingham County shall establish one or more precincts and polling places in the remainder of the described area. The registration books of each of the municipalities and the special

registration book or books of the County shall be open for the registration of new voters beginning on Monday, August 14, 1967, and continuing through Saturday, August 26, 1967. Challenge day for such special election shall be Saturday, September 2, 1967.

(c) The Board of Elections of Rockingham County shall cause to be published at least once in each of the fourth, third, and second calendar weeks preceding the day of the special election, in the Leaksville News, a notice of the registration and special election. Such notice shall include the time and places of registration; the polling places; the date of challenge day; the date of the special election; a general description of the area within which the election is to be conducted; and a statement that those voters who are then registered to vote in municipal elections in the Town of Draper, the City of Leaksville, or the Town of Spray shall not be required to register again in order to vote in the special election, and those voters residing in the remainder of the described area who are then registered to vote in county elections as well as those who are not then so registered shall be required to register in the special registration book or books hereinbefore provided for in order to vote in the special election.

(d) For such special election, the Board of Elections of Rockingham County shall provide ballots which contain the words "FOR Consolidation of Draper, Leaksville, Spray, and Meadow Greens" and "AGAINST Consolidation of Draper, Leaksville, Spray, and Meadow Greens", with appropriate squares so that each voter may by his cross (X) mark indicate his preference.

(e) At such special election, the Board of Elections of Rockingham County shall also provide a ballot containing at least three but not more than five proposed names for the new municipality in the event the special election results in consolidation. Such ballot shall preface each such proposed name with the words "City of", and shall contain at the top in bold type the words "Vote for one name only". The Board of Elections shall cause to be published at least once preceding the day of the special election, in the Leaksville News, the proposed names. In the event such special election results in consolidation, the proposed name receiving the largest number of votes shall be the name of the new municipality created by such consolidation.

(f) Following such special election, the votes in each of the three municipalities shall be canvassed as in regular municipal elections, and the results thereof certified to the Board of Elections of Rockingham County. The votes in the remainder of the described area shall be canvassed and certified as in county elections. The Board of Elections shall meet on the day following the special election to determine and declare the results thereof.

(g) (1) If a majority of the votes cast in such special election in that portion of the described area excluding the territory within the corporate limits of the Town of Draper, and a majority of the votes cast in such special election in the Town of Draper, shall be cast "FOR Consolidation of Draper, Leaksville, Spray, and Meadow Greens", then the area described in Section 2 (a) of this Act shall be the corporate limits of the new municipality, and Sections 3 through 6 of this Act shall be effective on September 13, 1967.

(2) If a majority of the votes cast in such special election in that portion of the described area excluding the territory within the corporate limits of the Town of Draper shall be cast "FOR Consolidation of Draper, Leaksville, Spray, and Meadow Greens", and if a majority of the votes cast in such special election in the Town of Draper shall be cast "AGAINST Consolidation of Draper, Leaksville, Spray, and Meadow Greens", then the area described in Section 2 (b) of this Act shall be the corporate limits of the new municipality, and Section 3 of this Act shall be of no force and effect, and Sections 4 through 6 of this Act shall be effective on September 13, 1967.

(3) If a majority of the votes cast in that portion of the described area excluding the territory within the corporate limits of the Town of Draper shall be cast "AGAINST Consolidation of Draper, Leaksville, Spray, and Meadow Greens", regardless of the results of such special election in the Town of Draper, then Sections 3 through 6 of this Act shall have no force and effect.

(h) The Board of Elections shall certify the results of such special election to the governing bodies of the Town of Draper, the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District, and to the Secretary of the Local Government Commission.

Sec. 2. (a) The special election authorized by Section 1 of this Act shall be conducted in the following described area, and such area shall be the corporate limits of the new municipality should such special election result in consolidation as provided in subsection (g) (1) of Section 1: BEGINNING at a point on the North bank of Dan River corner between old Lucy Sharp and Bethel tracts of land, said beginning point being the identical beginning point of the Draper Town Limits as set out in the Charter of the Town of Draper and runs thence North 86 degrees 45 minutes West 400 feet with the North bank of Dan River to the present steel bridge spanning said river; thence continuing up the North bank of Dan River South 82 degrees West 243 feet and South 63 degrees 15 minutes West 670 feet; thence South 54 degrees 30 minutes West 634 feet to the mouth of Covenant Branch; thence up run of said branch North 5 degrees 15 minutes East 240 feet North 44 degrees 30 minutes East 180 feet North 32 degrees East 253 feet North 9 degrees East 200 feet to the line of Bridge Street; thence North 62 degrees West 122 feet along said Bridge Street to a corner of Lot 140 of the Lucy Sharp addition to Draper at or near the run of another branch entering Covenant Branch; thence up the run of said branch and approximately along the East line of Lots 140, 139, 138, 137, 136, and part of 135, a total distance of approximately 1,018 feet to a point; thence North 88 degrees 30 minutes West through Lots 135, 115, 94, 71, all of the Lucy Sharp Addition to Draper, a distance of 1,086 feet to the Lucy Sharp Line, also corner between Lots 79 and 80, Section 31 of the West Lake Street subdivision, and continuing North 88 degrees 30 minutes West 403 feet crossing West Lake Street to a point; thence North 1 degree 25 minutes East and parallel to West Lake Street 1,875 feet to Henry Kirks line formerly Mack Jarrett; thence North 88 degrees 50 minutes West approximately 2,550 feet to a point; thence South 72 degrees West approximately 2,300 feet and paralleling Sharp Street,

and being 200 feet from the South line of said street; thence North 18 degrees West 1,863 feet to a point 200 feet South of the South line of Virginia Avenue; thence South 72 degrees West 4,050 feet and parallel with Virginia Avenue to a point in the center line of the old "Three Gate" Street (now Edgewood Road) in line of present Meadow Greens Sanitary District line; thence with center line of Edgewood Road in a southerly direction to corner of Duke Power Co. (that land acquired from Marshall Field & Co.); thence with line between what is now Fieldcrest Mills, Inc., and Duke Power Co., South 63 degrees 08 minutes West 1,519.9 feet to center line of Moir Branch at intersection of center line of Duke Power Co., powerline; thence down and with center line of run of Moir Branch to corner with Fieldcrest Mills, Inc., South line; thence with Fieldcrest Mills, Inc., South line South 82 degrees 22 minutes West 3,465.43 feet to a stone marking a corner between Fieldcrest Mills, Inc., and Spray Water Power & Land Co.; thence continuing same course across land of Spray Water Power & Land Co., to center line of N. C. State Highway No. 14; thence, a new line, in a westerly direction 4,360 feet, more or less, to a point on the East bank of Dan River below site of old Wooden Bridge in line of present Leaksville City Limits; thence up the East and North bank of Dan River to the mouth of Tanyard Branch; thence with the low water line of Dan River crossing under a concrete bridge at South Hamilton Street (N. C. Highway No. 87) to a point where Burton Branch enters said Dan River, original Town of Leaksville line; thence continuing up and with the low water line of the North bank of the Dan River to the Town of Leaksville line as established July 27, 1953; thence continuing with the low water line of the North bank of Dan River to a point where Matrimony Creek empties into Dan River; thence up and with the East bank of Matrimony Creek to a point where N. C. Highway No. 770 (Leaksville to Stoneville) bridge crosses said creek; thence continuing with the East bank of Matrimony Creek to what is known as Lower King's Mill Dam; thence continuing up Matrimony Creek to a point where the Leaksville-Price Road bridge crosses what is called King's Mill Pond; thence continuing with the East bank of Matrimony Creek to a point where Boiling Springs Branch empties into Matrimony Creek; thence continuing up Boiling Springs Branch to a point where Spence Springs Branch enters Boiling Springs Branch; thence continuing up Boiling Springs Branch to a cement marker located on the East side of Oakland Avenue in the Dunn-C. H. Robertson homeplace front yard; thence at right angles from the aforesaid point 400 feet from Oakland Avenue to another cement marker; thence southeastwardly to the line of Fourth Street in the Oakland-Dunn property line; thence with the South side of Fourth Street through the Oakland Subdivision, crossing Union, Bryant and Hamilton Streets to a point intersecting the old Spray Water Power and Land Company line, projected northwestwardly, said point being in line of present Spray Town Limits; thence northwardly parallel with Hamilton Street and 250 feet eastwardly from the center line of said street about 2,900 feet to the center line of Kendall Street; thence with the center line of said street in a westwardly direction about 100 feet to a point in Kendall Street, said point being about 150 feet eastwardly from the center

line of Hamilton Street and running thence in a northwardly direction and parallel with the center line of Hamilton Street at a distance of 150 feet therefrom, crossing Morgan Ford Road, 3,800 feet, more or less, to a point in the present Spray Sanitary District Line, said point being 300 feet, more or less, in a northern direction from the center line of Morgan Ford Road, and continuing with the present Spray Sanitary District Line about North 45 degrees East 200 feet, more or less, to a point; thence southeasterly and paralleling Morgan Ford Road (and being 420 feet from the center line of same) 2,000 feet, more or less, to a point in line with the mineral spring branch; thence with said branch as it runs to Smith River and crossing said river to the northeast bank 1,500 feet, more or less, to a point; thence down along the north bank of said river in an eastwardly direction 2,500 feet, more or less, to an ash tree (old Strong corner) near the northeast bank of Smith River; thence northeastwardly about 360 feet to an iron pipe, corner of old Bateman (now North Spray Subdivision) tract; thence North 14 degrees 54 minutes East 1,468.5 feet to a white oak; thence North 87 degrees 37 minutes East with line of North Spray Subdivision, 471.4 feet; thence South 19 degrees East 643 feet with said subdivision; thence South 23 degrees 30 minutes West 856 feet with said subdivision; thence North 81 degrees 09 minutes East about 300 feet to a point in the present Spray Sanitary District Line, said point being 600 feet more or less, in a westwardly direction from Summit Road, running thence approximately parallel with Summit Road about North 52 degrees East 1,600 feet, more or less, to a point; thence South 78 degrees East approximately 400 feet to a point; thence North 6 degrees 43 minutes East 205.79 feet to a point; thence North 4 degrees 01 minutes East 93.75 feet to a point; thence North 3 degrees 04 minutes West 80.62 feet to a point; thence North 4 degrees 03 minutes East 1,332.4 feet to a point; thence North 34 degrees 16 minutes East 309.08 feet to a point; thence North 5 degrees 15 minutes West 380 feet to the South side of Woodlawn Drive; thence crossing Woodlawn Drive North 0 degrees 36 minutes East 348 feet to a point; thence South 83 degrees 40 minutes East 140.5 feet to a point; thence South 77 degrees 45 minutes 28 seconds East crossing Hillcrest Drive and Pine Land 1,555.20 feet to a point; thence South 11 degrees 43 minutes East 335.33 feet to a point; thence South 45 degrees 17 minutes West 152.54 feet to a point; thence South 0 degrees 23 minutes West 500.49 feet to a point; thence South 66 degrees 09 minutes East 468.67 feet to a point; thence South 24 degrees 08 minutes West 362 feet to a point; thence South 66 degrees 02 minutes East 200 feet to a point; thence South 24 degrees 08 minutes West 196.51 feet to the North side of Bedford Drive; thence with the North side of Bedford Drive and crossing Cascade Road 250 feet to a point in the eastern margin of Cascade Road; thence along the eastern margin of Cascade Road in a southwestern direction to a point 200 feet northeast of the northeast line of Summit Road; thence, a new line, in a southeasterly direction, parallel with and 200 feet northeast of the northeast edge of Summit Road 6,700 feet, more or less, to a point 200 feet North of the North line of Meadow Road and 200 feet northeast of the northeast line of Summit Road, said point being in the present

Draper Town Limits Line; thence eastwardly and along a line parallel and 200 feet therefrom with Meadow Road to Main Street at crossing of the North Fork of Dry Branch; thence along the North Fork of Dry Branch crossing Meadow Road and the D & W Railway to the line of the old Sharp and Bethel tracts; thence South with said line to the point of BEGINNING.

(b) The following described area shall be the corporate limits of the new municipality should the special election authorized by Section 1 of this Act result in consolidation as provided in subsection (g) (2) of Section 1: BEGINNING at the intersection of the center line of the old "Three Gate" Street (now Edgewood Road) and the center line of Virginia Avenue; thence with the center line of Edgewood Road in a southerly direction to corner of Duke Power Co., (that land acquired from Marshall Field & Co.); thence with line between what is now Fieldcrest Mills, Inc., and Duke Power Co., South 63 degrees 08 minutes West 1,519.9 feet to center line of Moir Branch at intersection of center line of Duke Power Co., powerline; thence down and with center line of run of Moir Branch to corner with Fieldcrest Mills, Inc., South line; thence with Fieldcrest Mills, Inc., South line 82 degrees 22 minutes West 3,465.43 feet to a stone marking a corner between Fieldcrest Mills, Inc., and Spray Water Power & Land Co.; thence continuing same course across land of Spray Water Power & Land Co., to center line of new State highway being constructed along the location of Van Buren Road; thence in a westerly direction 4,360 feet, more or less, to a point on the East bank of Dan River below site of old Wooden Bridge; thence up the East and North bank of Dan River to the mouth of Tanyard Branch; thence with the low water line of Dan River crossing under a concrete bridge at South Hamilton Street (N. C. Highway No. 87) to a point where Burton Branch enters said Dan River, original Town of Leaksville line; thence continuing up and with the low water line of the North bank of the Dan River to the Town of Leaksville line as established July 27, 1953; thence continuing with the low water line of the North bank of Dan River to a point where Matrimony Creek empties into Dan River; thence up and with the East bank of Matrimony Creek to a point where N. C. Highway No. 770 (Leaksville to Stoneville) bridge crosses said creek; thence continuing with the East bank of Matrimony Creek to what is known as Lower King's Mill Dam; thence continuing up Matrimony Creek to a point where the Leaksville-Price Road bridge crosses what is called King's Mill Pond; thence continuing with the East bank of Matrimony Creek to a point where Boiling Springs Branch empties into Matrimony Creek; thence continuing up Boiling Springs Branch to a point where Spence Springs Branch enters Boiling Springs Branch; thence continuing up Boiling Springs Branch to a cement marker located on the East side of Oakland Avenue in the Dunn-C. H. Robertson homeplace front yard; thence at right angles from the aforesaid point 400 feet from Oakland Avenue to another cement marker; thence southeastwardly to the line of Fourth Street in the Oakland-Dunn property line; thence with the South side of Fourth Street through the Oakland Subdivision, crossing Union Bryant and Hamilton Streets to a point intersecting the old Spray Water Power and Land Company line,

projected northwestwardly; thence northwardly parallel with Hamilton Street and 250 feet eastwardly from the center line of said street about 2,900 feet to the center line of Kendall Street; thence with the center line of said street in a westwardly direction about 100 feet to a point in Kendall Street, said point being about 150 feet eastwardly from the center line of Hamilton Street and running thence in a northwardly direction and parallel with the center line of Hamilton Street at a distance of 150 feet therefrom, crossing Morgan Ford Road, 3,800 feet, more or less, to a point in the present Spray Sanitary District Line, said point being 300 feet, more or less, in a northern direction from the center line of Morgan Ford Road, and continuing with the present Spray Sanitary District Line about North 45 degrees East 200 feet, more or less, to a point; thence southeasterly and paralleling Morgan Ford Road (and being 420 feet from the center line of same) 2,000 feet, more or less, to a point in line with the mineral spring branch; thence with said branch as it runs to Smith River and crossing said river to the northeast bank 1,550 feet, more or less, to a point; thence down along the North bank of said river in an eastwardly direction 2,500 feet, more or less, to an ash tree (old Strong corner) near the northeast bank of Smith River; thence northeastwardly about 360 feet to an iron pipe, corner of old Bateman (now North Spray Subdivision) tract; thence North 14 degrees 54 minutes East 1,468.5 feet to a white oak; thence North 87 degrees 37 minutes East with line of North Spray Subdivision, 471.4 feet; thence South 19 degrees East 643 feet with said subdivision; thence South 23 degrees 30 minutes West 856 feet with said subdivision; thence North 81 degrees 09 minutes East about 300 feet to a point in the present Spray Sanitary District line, said point being 600 feet, more or less, in a westwardly direction from Summit Road, running thence approximately parallel with Summit Road about North 52 degrees East 1,600 feet, more or less, to a point; thence South 78 degrees East approximately 400 feet to a point; thence North 6 degrees 43 minutes East 205.79 feet to a point; thence North 4 degrees 01 minute East 93.75 feet to a point; thence North 3 degrees 04 minutes West 80.62 feet to a point; thence North 4 degrees 03 minutes East 1,332.4 feet to a point; thence North 34 degrees 16 minutes East 309.08 feet to a point; thence North 5 degrees 15 minutes West 380 feet to the South side of Woodlawn Drive; thence crossing Woodlawn Drive, North 0 degrees 36 minutes East 348 feet to a point; thence South 83 degrees 40 minutes East 140.5 feet to a point; thence South 77 degrees 45 minutes 28 seconds East crossing Hillcrest Drive and Pine Land 1,555.20 feet to a point; thence South 11 degrees 43 minutes East 335.33 feet to a point; thence South 45 degrees 17 minutes West 152.54 feet to a point; thence South 0 degrees 23 minutes West 500.49 feet to a point; thence South 66 degrees 09 minutes East 468.67 feet to a point; thence South 24 degrees 08 minutes West 2,362 feet to a point; thence South 66 degrees 02 minutes East 200 feet to a point; thence South 24 degrees 08 minutes West 196.51 feet to the North side of Bedford Drive; thence with the North side of Bedford Drive and crossing Cascade Road 250 feet to a point in the eastern margin of Cascade Road; thence along the eastern margin of Cascade Road in a southwestern direction to a point 200 feet northeast

of the northeast line of Summit Road; thence in a southeasterly direction, parallel with and 200 feet northeast of the northeast edge of Summit Road 6,700 feet, more or less, to a point 200 feet North of the North line of Meadow Road and 200 feet northeast of the northeast line of Summit Road; thence in a southeasterly direction 360 feet, more or less, to the intersection of the center line of Meadow Road and the center line of Edgewood Road; thence with the center line of Edgewood Road in a southerly direction 2,600 feet, more or less, to the intersection of the center line of Edgewood Road and the center line of Virginia Avenue, the point of BEGINNING.

Sec. 3. (a) All property, real and personal and mixed, including accounts receivable, belonging to the Town of Draper shall vest in, belong to, and be the property of, the new municipality created by this Act. The governing body of the Town of Draper is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Town of Draper shall vest in and remain and inure to the benefit of the new municipality created by this Act.

(c) All taxes, assessments, water or sewer charges, and any other charges or fees, owing to the Town of Draper shall be owed to and collected by the new municipality created by this Act.

(d) All actions, suits, and proceedings pending against, or having been instituted by, the Town of Draper shall not be abated by this Act or by the consolidation herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if consolidation had not occurred, and the new municipality created by this Act shall be a party to all such actions, suits, and proceedings in the place and stead of the Town of Draper and shall pay or cause to be paid any judgments rendered against the Town of Draper in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the Town of Draper, including outstanding indebtedness, shall be assumed by the new municipality, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the new municipality, and the full faith and credit of the new municipality shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the Town of Draper, and all the taxable property within the new municipality, as well as that formerly located within the Town of Draper, shall be and remain subject to taxation for such payment.

(f) All ordinances of the Town of Draper shall continue in full force and effect within the area to which they apply on September 12, 1967, as ordinances of the new municipality until repealed or amended by the governing body of the new municipality.

(g) All franchises heretofore granted by the Town of Draper, which are still in force shall continue as valid franchises of the new municipality for the purposes granted within the area formerly comprising the Town

of Draper, but shall not hereby be constituted valid franchises for any other portion of the corporate limits of the new municipality.

(h) The Town of Draper is hereby abolished.

Sec. 4. (a) All property, real and personal and mixed, including all accounts receivable, belong to the City of Leaksville, the Town of Spray, or the Meadow Greens Sanitary District, shall vest in, belong to, and be the property of, the new municipality created by this Act. The governing bodies of the City of Leaksville, the Town of Spray and the Meadow Greens Sanitary District, are hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of this Section.

(b) All judgments, liens, rights of liens, and causes of action of any nature in favor of the City of Leaksville, the Town of Spray, or the Meadow Greens Sanitary District shall vest in and remain and inure to the benefit of the new municipality created by this Act.

(c) All taxes, assessments, water or sewer charges, and any other charges or fees, owing to the City of Leaksville, Town of Spray, or the Meadow Greens Sanitary District shall be owed to and collected by the new municipality created by this Act.

(d) All actions, suits, and proceedings pending against, or having been instituted by the City of Leaksville, the Town of Spray, or the Meadow Greens Sanitary District, shall not be abated by this Act or by the consolidation herein provided for, but all such actions, suits and proceedings shall be continued and completed in the same manner as if consolidation had not occurred, and the new municipality created by this Act shall be a party to all such actions, suits and proceedings in the place and stead of the City of Leaksville, Town of Spray, or the Meadow Greens Sanitary District, as the case may be, in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(e) All obligations of the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District, including outstanding indebtedness, shall be assumed by the new municipality, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the new municipality, and the full faith and credit of the new municipality shall be deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District, and all taxable property within the new municipality, including that formerly located within the City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District, respectively, shall be and remain subject to taxation for such payment.

(f) All ordinances of the City of Leaksville, of the Town of Spray, and of the Meadow Greens Sanitary District shall continue in full force and effect within the areas to which they apply on September 12, 1967, as ordinances of the new municipality until repealed or amended by the governing body of the municipality. The Code of Ordinances of the City of Leaksville, as in effect on September 12, 1967, is hereby given force and effect within that portion of the corporate limits of the new municipality which was formerly unincorporated.

(g) All franchises heretofore granted by the City of Leaksville or the Town of Spray, respectively, and which are still in force, shall continue as valid franchises of the new municipality for the purposes granted within the area formerly comprising the corporate limits of the City of Leaksville or the Town of Spray, as the case may be, but shall not hereby be constituted valid franchises for any other portion of the corporate limits of the new municipality.

(h) The City of Leaksville, the Town of Spray, and the Meadow Greens Sanitary District, are each and all hereby abolished; provided, however, that if any provision of this subsection shall be declared by a court of competent jurisdiction to be invalid, such invalidity shall not be deemed to repeal or to render invalid any other provision hereof, and to that end the provisions of this subsection are hereby delared to be severable.

(i) The new municipality shall reimburse Rockingham County for the actual costs incurred in conducting the special election in that area which lay outside the former corporate limits of the municipalities of Draper, Leaksville, and Spray and for the costs of printing all the ballots for the special election.

Sec. 5. The governing body of the new municipality, until the initial election hereinafter provided for, shall consist of the Mayors and members of the governing bodies of the municipalities formerly existing within the corporate limits, and the members of the governing body of the Meadow Greens Sanitary District, as they are constituted on September 12, 1967. Each such member shall have one vote as a member of the governing body, and the governing body shall elect a Chairman who shall also act as Mayor of the new municipality until the initial election hereinafter provided for.

Sec. 6. Subject to the foregoing provisions of this Act, a municipality encompassing the area described in subsection (a) of Section 2 or subsection (b) of Section 2, as the case may be, is hereby incorporated under the name and style of a City, named as provided in Subsection (e) of Section 1, and the Charter of said City shall be as follows:

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. Incorporation and General Powers. The inhabitants of the territory hereinabove described shall be a body politic and corporate under the name and style of a City named as hereinabove provided, and shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges and immunities of every name and nature.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges and immunities of the City, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City

Council, and as provided by the general laws of North Carolina pertaining to municipal corporations, their officers, agencies, or employees.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Description. The corporate limits of the City until changed in accordance with law shall be as hereinabove provided.

"Sec. 2.2. Extension of Boundaries. All extensions of the corporate boundaries of the City shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND CITY COUNCIL

"Sec. 3.1. Composition of City Council; Method of Election of Mayor and Council. The City Council shall consist of seven members, one elected by and from the qualified voters of each of the wards, in the manner and according to the procedure provided by Article IV.

"Sec. 3.2. Terms; Qualifications; Vacancies. (a) The members of the City Council shall serve for terms of four years, beginning the day and hour of the organizational meeting of the Council, or until their successors are elected and qualify; provided, however, the initial terms shall be as provided in Article IV.

"(b) Any qualified elector of any ward of the City shall be eligible to be a candidate for Councilman from such ward.

"(c) If any elected Councilman shall refuse to qualify, or if there be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some person qualified to hold such office under the requirements of the preceding subsection, to serve for the remainder of the unexpired term.

"Sec. 3.3. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the Council from among its members for a term of two years. The Mayor shall be the official head of the City government and shall preside at all meetings of the Council. The Mayor shall have the right to vote on all questions coming before the Council, but he shall not have the power to vote again when there is an equal division upon any question. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties and exercise the powers of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.4. Compensation of Mayor and City Council. The Mayor shall receive for his services such salary as the City Council shall determine, and no increase or reduction shall be made to take effect during the term in which it is voted. The City Council may establish a salary for its members and such salary may be increased or reduced but no increase shall be made to take effect during the term in which it is voted.

"Sec. 3.5. Organizational Meeting; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time fixed by

ordinance, but no later than the tenth day following their election. Before entering on their offices, each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath: 'I, ...
....., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of City Councilman, on which I am about to enter, according to the best of my ability; so help me God.'

"Sec. 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the Council members shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance, and to authorize the expenditure of money. All other matters voted upon shall be decided by majority vote of the Council members present and voting.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal and pleading of ordinances of the City shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and shall be entered upon the minutes of the Council. The enacting clause of all ordinances shall be 'Be it ordained by the City Council of the City of .....' All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular City Elections. Regular City elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year, following the initial election herein provided for. An election shall be held on the Tuesday after the first Monday in May, 1968, for the purpose of electing seven City Councilmen. In such election, the four candidates elected who receive the largest numbers of votes shall serve for terms of three years, and the three candidates elected who receive the next largest numbers of votes shall serve for terms of one year. Following the terms of those Councilmen elected in 1968, all terms of Councilmen subsequently elected shall be four years.

"Sec. 4.2. Voting. Each qualified elector of the City shall be entitled to vote for one candidate for Councilman from the ward wherein he resides.

The candidate from each ward who receives the largest number of votes cast for candidates who reside in the ward wherein he resides shall be declared elected.

"Sec. 4.3. Filing of Candidates. Each qualified elector who would offer himself as a candidate for the office of Mayor or Councilman shall file with the city clerk a written statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days nor later than 5:00 p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by a filing fee of ten dollars ($10.00), and shall be substantially in the following form: 'I, ..., do hereby give notice that I am a candidate for election to the office of City Councilman, Ward ....., to be voted upon at the election to be held on ....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified elector of the City and of Ward....., residing at .....

Witness:.....

.....
Signature

.....,'
Date

"Sec. 4.4. Ward Boundaries. There shall be seven wards in the City, the boundaries of which shall be fixed, and may from time to time be altered, by the City Council; provided, the ward boundaries shall be fixed prior to March 1, 1968.

"Sec. 4.5. Regulation of Elections. Except as otherwise provided in this Charter, all City elections shall be conducted in accordance with the general laws relating to municipal elections.

"ARTICLE V. CITY ATTORNEY

"Sec. 5.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Council and shall receive such compensation as the Council shall determine.

"Sec. 5.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, the City Council, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

"ARTICLE VI. ADMINISTRATIVE SERVICE

"Sec. 6.1. General Authority. The City Council may appoint and fix the compensation of such administrative officers, department heads, and employees as it shall deem necessary to administer the affairs and government of the City. The Council may establish such departments of the City as it shall deem best.

"Sec. 6.2. City Clerk. The Council may appoint a City Clerk, to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the City, and to perform such other duties as may be required.

"Sec. 6.3. City Tax Collector. The Council may appoint a Tax Collector to collect all taxes, licenses, fees, and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 6.4. City Accountant. The Council may appoint a City Accountant to perform the duties of Accountant as prescribed by the Municipal Fiscal Control Act.

"Sec. 6.5. Consolidation of Functions. The Council may, in its discretion, consolidate any two or more of the positions or offices described in the preceding three Sections, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions.

"Sec. 6.6. Delegation of Authority. The City Council may, in its discretion, by ordinance delegate to some administrative officer of the City its authority to appoint, remove and supervise other officers, department heads, and employees, including those officers named in this Article and those authorized or required by general law. Such officer may be given such title as the Council deems proper, and such other authority as may lawfully be delegated by it.

"ARTICLE VII. CLAIMS AGAINST THE CITY

"Sec. 7.1. Tort and Contract Claims. All claims or demands against the City arising either in tort or in contract, whether or not the damages are liquidated, shall be presented to the City Council in writing, signed by the claimant or his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time such claim or demand is so presented. Unless the claim or demand is so presented within 90 days after it is due or the cause of action upon which it is based accrues, and unless suit is brought within 12 months from the date of written demand, any action thereon shall be forever barred. Every action in tort or contract against the City shall be dismissed unless the complaint is verified and contains allegations that the requirements of this Section have been complied with.

"Sec. 7.2. Compensation; Title to Property. All claims or demands against the City for damages to or compensation for real property taken or used by the City, or for surrender of title thereto or possession thereof

shall be presented to the City Council in writing signed by the claimant or his attorney or agent, within six months after the alleged taking or use shall have commenced, and no suit or action thereon shall be brought within 30 days or after the expiration of 12 months from the time such claim or demand is so presented. Unless the claim or demand is so presented within six months after the alleged taking or use shall have commenced, and unless suit is brought within 12 months from the date of written demand, any action thereon shall be forever barred. Every action against the City for damages to or compensation for real property taken or used or for surrender of title thereto or possession thereof, or to clear or remove a cloud upon title thereto, shall be dismissed unless the complaint is verified and contains allegations that the requirements of this Section have been complied with.

"Sec. 7.3. Exceptions; Incapacity; Minority. Notwithstanding the provisions of Section 7.1 and 7.2 of this Article, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim or demand is given by him or on his behalf within 6 months after the termination of the incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice is given on his behalf within 12 months after the claim or demand is due or the cause of action accrues or the alleged taking or use commences; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim or demand is given on his behalf within six months after the termination of the incapacity, or within 12 months after the claim or demand is due or the cause of action accrues or the alleged taking or use commenced, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity."

Sec. 7. This Act shall not be construed so as to repeal, modify, or in any manner affect (a) any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind of the Town of Draper, the City of Leaksville, the Town of Spray, or the Meadow Greens Sanitary District, or (b) any Acts authorizing conveyance or sale of particular property or interest therein by the Town of Draper, the City of Leaksville, the Town of Spray, or the Meadow Greens Sanitary District.

Sec. 8. Nothing in this Act shall be deemed or construed to affect in any manner the Eden Metropolitan Sewerage District of Rockingham County, North Carolina, or to affect in any manner any rights or obligations, including outstanding indebtedness, of the Eden Metropolitan Sewerage District of Rockingham County, North Carolina.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. Subject to the provisions of Section 1 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1239

CHAPTER 968

AN ACT TO AMEND CHAPTER 400, 1945 SESSION LAWS, TO PROVIDE FOR THE CLERK OF SUPERIOR COURT OF FORSYTH COUNTY TO ADMINISTER PROPERTY AND ASSETS OF MINORS AND PERSONS ADJUDGED INCOMPETENT AND TO MANAGE THEIR PROPERTY WHEN THE TOTAL VALUE OF THE ASSETS REQUIRED BY LAW TO BE ADMINISTERED FOR A MINOR OR INCOMPETENT WILL NOT EXCEED A TOTAL NET VALUE OF $3,000.00.

The General Assembly of North Carolina do enact:

Section 1. Section 1 A of Chapter 400 of the Session Laws of 1945 is amended by adding at the end of said Section a proviso which shall read as follows:

"Provided that when the minor or incompetent owns unproductive real property or an interest in unproductive real property, or an interest in real property being occupied by the ward and a parent or a person standing in loco parentis to the minor or incompetent, and the clerk determines from the facts pertaining to the estate of said person that it is for the best interest of the minor or incompetent for the clerk to administer money due and payable to said minor or incompetent, the clerk may in his discretion administer same even though the ward owns real property or an interest in real property."

Sec. 2. Section 1 A is further amended by striking out of said Section, after the word "due", beginning in line 9, the words "and the total amount due and belonging to such minor or ward does not exceed one thousand dollars", and inserting in lieu thereof the words "and the total net amount due and belonging to such minor or ward, after deducting commissions due Forsyth County, does not exceed three thousand dollars ($3,000.00)".

Sec. 3. Section 2 B is further amended by striking out the words "one thousand dollars" appearing in line 4 of said Section, and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 4. Section 3 A is hereby rewritten in its entirety to read as follows:

"A. If, after the clerk receives money for a minor or incompetent he determines that the total cash belonging to and money due said minor or ward exceeds three thousand dollars ($3,000.00) or, if the clerk determines from the facts of the case that a guardian or trustee should be appointed to administer the property and assets of such minor or incompetent, then he shall proceed to appoint a guardian or trustee as by law provided to administer all the property and assets of such minor or incompetent, and upon the qualification of a guardian or trustee, the clerk shall transfer and pay over to the guardian or trustee for said person all monies held in his office belonging to said minor or incompetent to be administered by the guardian or trustee so appointed."

Sec. 5. Section 8 B is amended by striking out the words "one thousand dollars" appearing in line 3 of said Section, and inserting in lieu thereof the words and figures "three thousand dollars ($3,000.00)".

Sec. 6. This Act shall apply only to Forsyth County.

Sec. 7. Chapter 1297, Session Laws of 1957, is hereby repealed.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1279 CHAPTER 969

AN ACT TO AMEND CHAPTER 318, SESSION LAWS OF 1967, INCREASING THE AMOUNT OF FUNDS FOR ENFORCEMENT OF THE A. B. C. LAWS IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 318, Session Laws of 1967, is hereby amended by striking out the words and figure "five (5) per cent" in Section 3 of said Chapter, and inserting in lieu thereof the words and figure "ten (10) per cent."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1280 CHAPTER 970

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF ENFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

CHARTER OF THE TOWN OF ENFIELD, NORTH CAROLINA

INTRODUCTION.

Section 1. Enfield to Remain Body Politic and Corporate. That the inhabitants of the Town of Enfield, Halifax County, State of North Carolina, as the boundaries and limits of the said town are herein established, shall be and constitute as heretofore they have been, a body politic, incorporated under and to be known by the name and style of the "Town of Enfield", with such powers, rights and duties as are herein provided or as are provided by Chapter 160 of the General Statutes of North Carolina.

Sec. 2. Corporate Limits. That the corporate limits of the Town of Enfield shall be as follows, to wit: Beginning at a point on the northerly side of East Franklin Street, said point being located exactly 2500 feet easterly down said street from the center of the South bound (original) track of the Atlantic Coast Line Railroad; thence South 46 degrees 15 minutes West (calling as of year 1923) and in a line parallel with and 2500 feet easterly from said railroad 4,475 feet to an iron stake in R. Hunter Pope's yard; thence North 43 degrees 45 minutes West (calling

as of year 1923) along the southerly edge of Randolph Street and beyond the end of said street for a total distance of 4800 feet to an iron stake; thence North 46 degrees 15 minutes East (calling as of year 1923) 1,085 feet to an iron stake located approximately 150 feet westerly from the westerly edge of Holliday Drive; thence North 4 degrees 15 minutes West (calling as of April 12, 1955) 861 feet to an iron stake at the southerly edge of the right of way of N. C. Highway 481; thence North 84 degrees 30 minutes East (calling as of April 12, 1955) along the southerly edge of the right of way of N. C. Highway 481 675.5 feet to an iron stake; thence crossing said highway and running along the easterly edge of the Enfield-Ringwood Road (N. C. Secondary Road No. 1002) North 56 degrees 30 minutes West (calling as of April 12, 1955) 451 feet to a ditch; thence continuing along the easterly edge of the right of way of said Enfield-Ringwood Road (N. C. Secondary Road No. 1002) North 59 degrees West (calling as of June, 1954) 700 feet to an iron stake just beyond the road leading to the Enfield Graded School athletic field; thence leaving said Enfield-Ringwood Road (N. C. Secondary Road No. 1002) and running North 8 degrees East (calling as of June, 1954) 485 feet to an iron stake just beyond the point that said road makes an easterly turn; thence North 88 degrees 15 minutes East (calling as of June 1954) along the road leading to the back of the Enfield Graded School building 1,461 feet to an iron stake located just North of said school; thence North 82 degrees East (calling as of June, 1954) 1100 feet to a stake in Elmwood Cemetery; thence South 83 degrees East (calling as of June, 1954) 210 feet to an iron stake at the westerly edge of Franklin Street (N. C. Secondary Road No. 1001); thence crossing said Franklin Street (N. C. Secondary Road No. 1001) and running North 46 degrees 15 minutes East (calling as of year 1923) 1,650 feet to an iron stake; thence North 75 degrees 40 minutes East (calling as of year 1923) 1,030 feet to an iron stake; thence South 43 degrees 45 minutes East (calling as of year 1923) 2500 feet to an iron stake; thence South 14 degrees 15 minutes West (calling as of year 1923) 3,220 feet to the beginning.

ADMINISTRATIVE POWERS

Sec. 3. Powers of Town Vested in Mayor and Commissioners; Mayor to Vote in Case of Tie; Mayor Pro Tem; Vacancies; Compensation of Mayor and Commissioners. That all powers conferred upon the Town of Enfield and the administration of the government thereof shall be exercised by and vested in a principal executive officer styled the Mayor, and five Commissioners, who shall serve in a legislative capacity and who are designated the Board of Town Commissioners. The said Mayor and five Commissioners shall be residents of the Town of Enfield, and shall be elected for four-year terms which shall be staggered in the following manner: The two members of the Board of Town Commissioners receiving the largest vote in the municipal election of 1969 and the Mayor elected in that election shall serve for a full four-year term and the three remaining Commissioners shall serve for a two-year term. Thereafter the Mayor and all Commissioners shall serve for four-year terms, but the municipal election shall continue to be held biennially on the date set by State law

and three Commissioners shall be elected at one election and the Mayor and two Commissioners shall be elected at the next election. The said municipal elections shall be held at the time and in the manner provided by the general laws of the State for the holding of elections by municipalities. The Mayor shall be ex officio chairman of the said Board of Town Commissioners and shall have a right to vote in all cases where there is a tie in the vote of said Board of Commissioners. The said Board of Town Commissioners shall elect a Mayor Pro Tem, who shall perform the duties of the said office if for any reason the said Mayor shall be absent or unable to perform said duties, and in case of the death, removal or resignation of the said Mayor he shall hold the said office until a new Mayor is elected at the regular election next held in the said town. Whenever a vacancy shall occur in the said Board of Town Commissioners said vacancy shall be filled for the unexpired term by the other members thereof. The members of said Board of Commissioners of the Town of Enfield shall receive as compensation for their services the sum of twenty dollars ($20.00) for each regular meeting attended by them and ten dollars ($10.00) for each special or call meeting attended by them, and the Mayor shall receive as compensation for his services the sum of twelve hundred dollars ($1200.00) per annum. The present Mayor and the Board of Town Commissioners of the Town of Enfield shall hold their offices until the next municipal general election, and shall have all powers granted by the general law of the State, and also by the provisions of this Act after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations. A majority of the Board shall constitute a quorum at any meeting.

Sec. 4. Mayor and Commissioners to Take Oath; Officers or Employees May be Removed from Office by Board. That the said Mayor and the said Board of Town Commissioners of the Town of Enfield shall before they enter upon the duties of their offices each take the oath prescribed for public officials of the State of North Carolina; and in case any of the said officers shall be guilty of misconduct, inability, or wilful neglect of the performance of the duties of said office, he may be removed from his said office by the said Board of Town Commissioners of the said Town of Enfield, after being given an opportunity to be heard in his defense, in person or by counsel. The said Board of Town Commissioners may for good cause remove any other officer or employee provided for in this Charter or employed by the said town, after the said officer or employee shall have been given an opportunity to be heard in his defense, in person or by counsel.

Sec. 5. Board May Appoint Officers. That the said Board of Town Commissioners shall have the power to employ or appoint any other official by whatever name designated as it may deem best for the better administration of the laws and ordinances of the said town and for the preservation and protection of the citizenship, and the health and the property of the said town. These said officers may be required to execute a bond for the faithful performance of the duties of their respective offices in a sum fixed by the said Board of Town Commissioners; the said Board shall prescribe the terms of their said offices and their duties and fix their salaries and compensations.

Sec. 6. Town Clerk, Appointments, Duties. That the said Board of Town Commissioners shall have power to employ a clerk and prescribe the term of his office, his duties, and fix his salary. The said clerk so appointed may delegate a part of his duties to the deputy town clerk and may also delegate to the various departmental heads the right to make purchases for their departments up to, but not in excess of one hundred dollars ($100.00) per month. The said clerk shall act as secretary to the Board of Commissioners, and he shall also issue all licenses and permits granted by the town, such as privilege, franchise, etc., and collect for same, list and compute all taxes, collect all water and light rents, and pay the same to the town treasurer, taking his receipt for the same; to act as purchasing agent for the Town of Enfield and all property, supplies and material of whatever kind or nature shall be purchased by him, and when so purchased the bills therefor shall be submitted to and approved by the Board of Commissioners before the same are paid, and to perform such other duties as may be from time to time prescribed by the Board of Commissioners of the Town of Enfield.

Sec. 7. Sundry Powers of Town. That the Town of Enfield is made a body politic and corporate by this Act, and shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, may plead and be impleaded in all courts and places and in all manner whatsoever, and under such name and style of "Town of Enfield," is hereby invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used, and by this name may acquire and hold for the purpose of its government, welfare, and improvement, all such estates as may be demised, bequeathed or conveyed to it, and may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation, and may take, hold and purchase land as may be needed for the corporate purposes of the said town, including the right to acquire property for electric lights and waterworks and for water supply, to include the source of same, together with the watershed and suitable water power for generating electricity or other power; and may acquire by purchase or condemnation any real estate in connection therewith, and also rights of way which may be necessary for the erection of poles, wires, etc., and for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property for public use when necessary to carry into effect the provisions of this Act; and shall have the power to open, change, widen, or discontinue streets, when promotive of the interest of the public; and shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, establish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate or close the same; to put drains and sewers therein; to provide for and regulate the lighting thereof; control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, and the interference therewith in any manner whatsoever; and may place therein pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals and

vehicles, in whatsoever way and purposes; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways and sidewalks, and to make and enforce any and all regulations in respect thereof as the Board of Town Commissioners of the said town may deem proper or expedient to promote and insure the health, comfort, safety, and convenience of the inhabitants or property and public of the said town.

Sec. 8. Board of Commissioners May Pass Ordinances. That the Board of Town Commissioners shall have full power and authority to make ordinances, bylaws, rules and regulations for the better government of the said Town of Enfield, not inconsistent with the laws of the State of North Carolina, as the said Board may deem necessary and in the interest of the public weal, and may enforce them by imposing fines and penalties on such as violate them; and may compel the performance of the duties imposed upon others by suitable penalties.

Sec. 9. Matters Not Provided for in Charter, to be Governed by State Law. All matters pertaining to the administration of the government of the Town of Enfield, and not provided for in this Act, shall be governed by the laws of the State of North Carolina as contained in Chapter 160 of the General Statutes of North Carolina.

FINANCIAL

Sec. 10. Board of Commissioners to Maintain Accounting System for Town. That the said Board of Town Commissioners shall have the power and it shall be their duty to devise and maintain an accounting system which shall exhibit the condition of the town assets and liabilities, the value of its several properties and state of its several funds. Said accounting system maintained shall conform to those employed by progressive business concerns and approved by the best usage, and shall conform to the requirements set out in the Municipal Fiscal Control Act and the Municipal Finance Act as contained in Chapter 160 entitled "Municipal Corporations" of the General Statutes of North Carolina; the Board of Town Commissioners shall have the power to employ accountants to assist in devising and maintaining said accounting system.

Sec. 11. Board of Town Commissioners to Levy and Collect Taxes. That the Board of Town Commissioners shall annually levy and cause to be collected for municipal purposes an ad valorem tax not exceeding the limit expressed in Section 160-402 of the General Statutes of North Carolina on all real and personal property within the municipality and for said purpose shall annually set a tax rate. In addition thereto the said Board of Town Commissioners may, in its discretion, levy annually on all taxable property within the municipality any special taxes authorized under Chapter 160 entitled "Municipal Corporations" of the General Statutes. The Board of Town Commissioners may also levy and collect an annual poll tax of one dollars ($1.00) and may annually lay a tax on all trades, professions, and franchises carried on or enjoyed within the municipality, unless prohibited from doing so by State law. The Board of Town Commissioners may also lay a tax on all shows and exhibitions as are taxed by the General Assembly and on all dogs. All taxes levied by the municipality

shall be uniform as to each class of property taxed, except property exempted by the Constitution. The Board of Town Commissioners may in their discretion use copies of the tax scrolls taken and prepared by Halifax County and may accept the County's tax ratio for the purpose of levying ad valorem taxes on real estate and personal property located within the municipality and also for the purpose of levying poll and dog taxes. In the levying and collecting of taxes the said municipality shall have all of the rights and privileges given to and provided for municipalities in North Carolina under Chapter 160 of the General Statutes entitled "Municipal Corporations", and under Chapter 105 of the General Statutes entitled "Taxation", and shall adhere to and carry out all of the duties and procedures required of municipalities in said Chapters 160 and 105 of the General Statutes, including the giving of all required notices to taxpayers, the proper advertising and notices prior to the sale of tax certificates and prior to the sale of property for delinquent taxes.

Sec. 12. Mayor Constituted Court; Jurisdiction; Penalties. The Mayor of the said Town of Enfield is hereby constituted an inferior court, and as such shall, within the corporate limits of the said Town of Enfield, have all power, jurisdiction and authority of a justice of the peace or magistrate to preserve and keep the peace and try and punish all criminals committing offenses in the said town within the jurisdiction of a justice of the peace or magistrate, and may act as a committing magistrate where a justice of the peace would have jurisdiction. The said Mayor shall hear and determine all causes of action which may arise upon the ordinances or bylaws of the said town, and enforce penalties by issuing execution upon any adjudged violation thereof, and shall execute and enforce all the rules and regulations made by the said Board of Town Commissioners. The said Mayor shall have power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and such persons so convicted, when sentenced to a term of imprisonment by the said Mayor, or upon their failure to pay the said fine and costs imposed by the said Mayor for such offense, may be imprisoned in the county jail for the term specified in the order of the court, not to exceed the term of one month; and such persons so imprisoned in all cases where the said Mayor has jurisdiction, either for violation of an ordinance of the said town or for statutory offense, may be required to work upon the public roads of North Carolina. If the defendant in any case heard by the said Mayor shall be dissatisfied with the judgment of the said Mayor or the court, he may appeal in like manner as provided for appeals from judgments of a justice of the peace or magistrate. For the violation of any ordinance or bylaw made by the said Board of Town Commissioners the said Board may prescribe penalties not to exceed a fine of fifty dollars ($50.00) or imprisonment not to exceed 30 days for each offense. The said Mayor shall keep a faithful, true, and correct minute or docket of the precepts and process issued by him of all his judicial proceedings.

POLICE

Sec. 13. Board of Commissioners May Appoint Police Officers. That the said Board of Town Commissioners shall have the power to appoint a chief of police and one or more police officers, and prescribe the terms of

their offices and their duties, and fix their salaries or compensations. These officers may be chosen from among the residents of the said Town of Enfield or from any other place, as the said Board may deem best. The said officers may execute all process and precepts issued to them, when properly directed, anywhere in the said County of Halifax, and the said officers may be required by the said Board of Town Commissioners to execute a bond, in a sum fixed by said Board, for the faithful performance of the duties of their said office.

FIRE PROTECTION AND PREVENTION

Sec. 14. Town May Establish Fire Department or Contract for Fire Protection. That the Board of Town Commissioners may provide for the establishment, organization, equipment, and government of a fire company or companies, or, in their discretion, may contract with an existing volunteer fire department to provide the necessary fire protection within their municipality.

Sec. 15. Fire Limits and Sundry Fire Regulations. The Mayor and chief of the fire department and one of the Board of Town Commissioners, or three of the said Commissioners, who are present at any fire in the said town, may order the destruction of any house or houses when it is necessary in their opinion for the arrest of the progress of the said fire, and no person shall incur any liability, civil or criminal, for obeying said order. The said Board of Town Commissioners shall establish fire limits within the said Town of Enfield, and may regulate and prohibit the erection, building, placing, or repairing of wooden or dangerous buildings within such limits and may prohibit the removal of any wooden or dangerous building from one place to another in the said limits or the repairing of the same; and may direct and prescribe that all buildings within said limits, when built or when they become dangerous, shall be made or constructed of fireproof material, the kind and character and the quality and dimensions to be fixed by the said rules and regulations of the said town; and may declare all buildings within the said fire limits to be nuisances when they become old, dilapidated, and dangerous, and compel the removal of same or the proper repair thereof; and may prescribe limits within which only fireproof roofing may be used; and may prescribe penalties and impose the same for the violation of any such rules and regulations.

HEALTH PROTECTION AND DISEASE PREVENTION

Sec. 16. Town May Pass Ordinances to Maintain Health. The said Town of Enfield shall have power to condemn as nuisances all buildings, cisterns, wells, privies, and private cesspools and sewer openings which upon inspection of the Health Officer shall be found to be unhealthy and insanitary to persons and property, and may cause the same to be abated or removed by the owner thereof, and said owner may be subjected to a fine or imprisoned for failure to obey the orders of the said town in respect to said nuisance; and the said Town of Enfield shall make such rules and regulations as may be necessary to prevent the introduction of contagious diseases in the said town, and may make quarantine laws for that purpose

and enforce the same within the said town, and shall have a right to prevent the slaughtering of any animal in the said town, and may regulate the keeping of markets and grocery stores, and do all and singular such things and pass such rules and regulations as shall best subserve the health, comfort and happiness of the residents of said town. The County Health Officer may perform the duties of Health Officer for the town when no Health Officer is appointed by the Board of Town Commissioners.

BUSINESS AND TRADE

Sec. 17. Board of Commissioners May Levy License and Franchise Taxes. That the Board of Town Commissioners may license and regulate all businesses or occupations whatsoever which in the opinion of the said Board of Town Commissioners should be proper subjects for police regulations. Any person, firm, or corporation desiring to engage in any business or occupation or to do any act upon which a special tax is imposed by the said Board of Town Commissioners shall before engaging therein obtain a license from the clerk of the said town; and any person engaging in any such business, trade, occupation, profession, etc., without first obtaining said license shall be guilty of an offense against the ordinances of the said town, and may be punished as provided therein. No license shall be issued for a longer period than one year, and no license shall be assignable, except by permission of the said Board of Town Commissioners.

MUNICIPALLY OWNED UTILITIES

Sec. 18. Town May Own and Operate Electric, Gas, Water and Sewerage Systems and Make Regulations for said Operation. The Town of Enfield may buy, own, construct, establish, maintain and operate systems of electricity, gas, sewerage and water; and may make, regulate and establish public wells, cisterns, hydrants, reservoirs, pumping and filtering plants, pipe lines, sewerage disposal plants, stations and standpipes anywhere within the said town or beyond the limits thereof, for the use of said town, and may make such rules and regulations as it may deem proper for the management of the said water, gas, electric and sewer systems. The said town may require the owners, tenants or occupants of all property which may be located upon or near any street or alley along which may extend any municipal sewer or water system to connect with the said sewer and water systems, all waterclosets, bathrooms, privies, tubs, sinks or drains located upon their respective property or premises, and upon a failure to do so the owner, tenant or occupant of said property may be fined or imprisoned, as provided by ordinance of said town. The Board of Town Commissioners may appoint and employ a Director of Utilities and Public Works, whose duty it shall be to supervise the operation of any and all of the above systems and to supervise the maintenance of the streets and other public works carried on by the town.

CONSTRUCTION AND ASSESSMENTS

Sec. 19. Town May Improve Streets and Sidewalks. The said Town of Enfield may grade and improve its public streets and sidewalks and may employ such person or persons as it may deem necessary for the purpose

of constructing and improving said streets and sidewalks and may pave and improve the same in such manner and with such material as the said Board of Town Commissioners may in their discretion deem best; and it may construct such drainage and gutters along the said streets and across the sidewalks and through the lands of the abutting owners as the officials of the said town may deem to be the best interest of the public, and persons interferring in any way with such improvements or drainage or with the officers or employees of the said town while it works upon the same, shall be fined for each offense not more than fifty dollars ($50.00) or imprisoned not more than 30 days, as provided by ordinance of the said town.

Sec. 20. Town May Assess Abutting Property Owners One-half Costs of Streets and Sidewalks. The Town of Enfield may charge the owners of abutting property one-half of the costs of curbing and guttering and of paving and surfacing sidewalks and streets and the same shall be a specific lien upon said abutting property against all and every owner, mortgagee, trustee, or lessee thereof; and if the said costs are not paid within 90 days after the completion of the said work or if satisfactory arrangements have not been made under the provisions hereinafter contained, the same may be enforced and collected by suit instituted by the Town of Enfield in a justice of the peace court, a magistrate's court, a county circuit court or the Superior Court, where the owners and other interested parties shall have the right to present their defense and the issue raised shall be tried and the case disposed of according to the law and the course of practice of the court. The lien herein created shall follow the land and the said town in bringing the aforesaid suit to enforce same may name subsequent owners, who are the owners of said property at the time the suit is brought, as defendants. The Town of Enfield may, if it so elects, use any other procedure to bring about the collection of aforesaid costs provided by the general laws of the State of North Carolina for the collection of municipal assessments.

Sec. 21. Eminent Domain and Condemnation of Land. That when in the opinion of the governing body of the said town lands are needed for public utilities, streets, parks, playgrounds, or municipal buildings, and the governing body is unable to acquire same by private purchase, condemnation of the same for such public use may be made in the manner and under the procedure as is provided in Chapters 40 entitled "Eminent Domain" and 160 entitled "Municipal Corporations" of the General Statutes of North Carolina.

TREASURER AND TAX COLLECTOR

Sec. 22. Town Treasurer and Town Tax Collector. That the Board of Town Commissioners shall appoint a Town Treasurer and a Town Tax Collector, but both positions may be held by one person. The person or persons so appointed shall be bonded in an amount to be set by the said Board of Town Commissioners.

SALE OF MUNICIPAL BONDS AND GRANTING OF FRANCHISES

Sec. 23. Sale of Municipal Bonds. That the Town of Enfield, after receiving approval from the Local Government Commission, may hold bond elections and if the elections are carried may sell bond anticipation notes and/or municipal bonds. In making application to the Local Government Commission, in conducting bond elections, and in selling bond anticipation notes and in selling bonds, the said Town of Enfield shall follow the procedures outlined in the General Statutes of North Carolina for these purposes.

Sec. 24. Town May Grant Franchises. That the Town of Enfield may grant franchises to companies who wish to provide services to the citizens when and if the type of franchise to be granted is authorized by State law. In granting the said franchises the town must use the procedures set out in Chapter 160 of the General Statutes of North Carolina entitled "Municipal Corporations".

PLANNING, ZONING, BUILDING INSPECTION, RECREATION AND INDUSTRIAL LOCATION

Sec. 25. Planning Committee, Zoning Ordinance and Building Inspection. That the Town of Enfield may appoint a Planning Committee or Commission to plan for the organized growth and development of the town. It shall be the duty of this committee to report its findings and recommendations to the Board of Town Commissioners. The Board of Town Commissioners may adopt, amend, or repeal a town zoning ordinance and may authorize the town building inspector to enforce its provisions and may appoint a Board of Adjustment to review any action taken by the said building inspector. The Board of Town Commissioners may adopt an ordinance requiring building permits and authorizing the charging of a fee for same and the providing of a penalty for the construction of buildings without a permit. The building inspector shall inspect all new buildings and repairs for which permits are issued and shall have the authority to stop any construction when it is not being done according to law or when in his opinion it would be unsafe. He shall also have the authority to condemn any and all buildings that are in his opinion unsafe and a hazard to the public. In the event no building inspector is appointed by the Board of Town Commissioners or for any reason the building inspector's employment is terminated, the building inspector's duty shall be performed by the superintendent of utilities and streets until such time that a building inspector is appointed. In the absence of the Board of Town Commissioners adopting a Town Building and Electric Code, the State Building and Electric Codes shall serve as the building and electric codes for the Town of Enfield.

Sec. 26. Recreation. That the Board of Town Commissioners may appropriate moneys for and operate a municipal recreation program including the establishment and maintenance of municipal parks. The said municipal recreation program may be operated through a recreation committee to be appointed by the Board of Town Commissioners. The said program shall in all respects meet the requirements of and be operated

in accordance with the provisions contained in Chapter 160 of the General Statutes of North Carolina entitled "Municipal Corporations".

Sec. 27. Industrial Location. That the Board of Town Commissioners may appropriate moneys from nontax funds to be used to finance a program designed to improve the economy of the town by acquiring additional industries and may join with Halifax County and the other municipalities in said county in employing a person or persons to work with industrial prospects and attempt to persuade them to locate within the county.

MAYOR

Sec. 28. Duties of the Mayor. That the Mayor shall be the principal executive officer of the town and his duties shall be as follows:

1. Preside at meetings of the Board of Town Commissioners.
2. Vote at meetings of the Board of Town Commissioners when there is a tie.
3. Preside at Mayor's Court.
4. Appoint committees when needed to assist in carrying out directives or in making investigations requested by the Board of Town Commissioners.
5. Put into effect all orders and directives of the Board of Town Commissioners.
6. Suggest programs and projects to the Board of Town Commissioners and make recommendations concerning all phases of town business.
7. Appoint a budget committee and serve as chairman of same.
8. Do any and all other acts customarily done and performed by Mayor under a Mayor-Commissioner form of government of the type provided for by this Act.

REPEAL CLAUSE

Sec. 29. Ordinances to Remain in Effect; Judicial Notice to be Taken of this Act; if Parts Invalid, Other Parts to Remain in Effect. All ordinances of the Town of Enfield not inconsistent with the provisions of this Charter shall remain in full force and effect until altered, amended, or repealed by the Board of Town Commissioners; that this Act shall be deemed a public Act, and judicial notice thereof shall be taken in all courts and places, without the same having been printed and read in evidence; and in event that any part or Section, or subdivisions of this Act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Act, but the same shall continue and remain in full force and effect, notwithstanding such holding.

Sec. 30. This Act Charter, Former Charters Repealed. From and after the ratification of this Act, the same shall be henceforth the Charter of the Town of Enfield, and all former Charters of said town are hereby repealed: Provided, however, that such repeal shall not annul any ordinances, bylaws, rules, or regulations of the town relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, nor shall it relieve the said Town of Enfield from any obligation incurred by the said town by reason of the issuing of any bonds or assumption of any other liability.

Sec. 31. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 32. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

H. B. 1291 CHAPTER 971

AN ACT TO PROVIDE FOR THE LEVY, PURSUANT TO AN ELECTION, OF A SPECIAL TAX FOR OPERATING AND MAINTAINING PUBLIC COUNTY AUDITORIUMS IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Notwithstanding any limitation provided by any general, public-local or private law, the board of commissioners of Cumberland County is hereby authorized and empowered to submit to the qualified voters of said county the question of the levy of a special annual tax on each one hundred dollars ($100.00) of assessed valuation of the taxable property therein for the special purpose of operating and maintaining public county auditoriums, and the special approval of the General Assembly is hereby given for the levying of such special tax. The rate or amount of such tax for which a levy may be made hereunder shall be determined by the board of commissioners of said county, but shall not exceed two cents (2¢) per one hundred dollars ($100.00) valuation of all property taxable by said county for a maximum period of three years.

Sec. 2. Such question may be submitted to the voters of the county at any elections, whether general or special, or at special elections called for such purpose, and such elections shall be held and conducted in the same manner as such general or special election or in the same manner as elections are held to determine the question of the issuance of bonds. The form of the ballot shall be determined by the board of commissioners and voting machines may be used.

Sec. 3. The board of commissioners shall prepare a statement showing the number of votes cast for and against the levy of such tax and declaring the result of the election, which statement shall be signed by a majority of the members of the board of commissioners and delivered to the clerk who shall record it in the minutes of the board and file the original in his office and publish it once in a newspaper of general circulation in the county.

No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever except in an action or proceeding commenced within 30 days after the publication of such statement.

Sec. 4. If a majority of the qualified voters of the county voting on such question in such election shall vote in favor of the levy of such tax, the board of commissioners of the county is hereby authorized and empowered to levy and collect the special tax so approved for a maximum period of three years, such tax to be in addition to all taxes authorized by any other special or general act, and such special tax within the limit ap-

proved by the voters shall be levied and collected as other general taxes are levied and collected on all the taxable property in said county. The funds so derived from the levy of such tax shall be expended exclusively for the purpose for which it is voted.

Sec. 5. This Act shall be applicable only to Cumberland County.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1967.

S. B. 33 CHAPTER 972

AN ACT TO CREATE A UNIFORM SYSTEM FOR THE NOMINATION AND ELECTION OF MEMBERS OF COUNTY BOARDS OF EDUCATION IN ALL THE COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 115-18 is hereby rewritten to read as follows:

"G. S. 115-18. How Constituted. The County Board of Education in each county shall consist of not less than three nor more than nine members. Members shall be elected, as hereinafter provided, for a term of four years."

Sec. 2. G. S. 115-19 is hereby rewritten to read as follows:

"G. S. 115-19. How Elected. The members of the County Board of Education in each county that does not on the effective date of this Act elect its members by a vote of the people, shall be elected in one of the following ways:

(1) On a partisan basis in the same manner as members of the General Assembly; or

(2) On a non-partisan basis at the time of the primary election for nomination of candidates for the General Assembly.

"The names of candidates for election to County Boards of Education on a non-partisan basis and held pursuant to the provisions of this Act shall be printed on the ballots without reference to any party affiliation and any qualified voter residing within the County shall be entitled to vote. In elections held on a non-partisan basis under the provisions of this Act, the right of any qualified voter to vote shall not be affected by the political party affiliation under which he is registered or by the fact that he is registered as an independent.

"The terms of office of the members shall be staggered so as nearly equal to one-half as possible and shall expire every two years. At the initial election of the members of the County Board of Education, pursuant to the provisions of this Act, an appropriate number of members shall be elected for two-year terms and four-year terms so as to comply with the above requirement, and in any case in which the number of terms that expire every two years is unequal, a larger number of members shall be elected for longer terms. The candidates elected who receive the highest number of votes shall serve four-year terms and the candidates elected

who receive the fewest number of votes shall serve two-year terms. Nothing herein shall shorten the terms of office of members of County Board of Education coming under the provisions of this Act. In the event the terms of office of members of boards of education coming under the provisions of this Act are staggered, successors shall be elected as the terms of existing members expire for two-year terms.

"The General Assembly may designate the number of members constituting the County Board of Education, the districts if any in which they run, and the method to be used in electing the same, for each County electing its Board pursuant to the provisions of this Act. In the event the General Assembly shall fail to establish the size of said Boards or the method of election of same for any such County, said County shall have a Board of Education consisting of five members who shall be elected at large on a non-partisan basis as hereinabove set out.

"This Section shall not have the effect of repealing any local or special acts relating to Boards of Education of any particular counties whose membership to said Boards is chosen by a vote of the people."

Sec. 3. G. S. 115-20 is hereby rewritten to read as follows:

"G. S. 115-20. County Board of Elections to Provide for Elections. The County Board of Elections under the direction of the State Board of Elections, shall make all necessary provisions for elections of County Boards of Education as are herein provided for. The County Board of Elections of each County shall file with the State Board of Elections a statement specifying the size and method of election of members of its County Board of Education."

Sec. 4. G. S. 115-22 is hereby rewritten to read as follows:

"G. S. 115-22. Those persons who shall be elected members of the County Boards of Education must qualify by taking the oath of office on or before the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy which shall be filled as set out in G. S. 115-24. Those persons appointed to fill a vacancy must qualify within 30 days after notification. A failure to qualify within that time shall constitute a vacancy.

"This Section shall not have the effect of repealing any local or special acts relating to Boards of Education of any particular counties whose membership to said Boards is chosen by a vote of the people."

Sec. 5. G. S. 115-23 is hereby rewritten to read as follows:

"G. S. 115-23. Vacancies in Nominations for Membership on County Boards. If any candidate nominated on a partisan basis shall die, resign, or for any reason become ineligible or disqualified between the date of his nomination and the time for the election, such vacancy caused thereby may be filled by the actions of the county executive committee of the political party of such candidate."

Sec. 6. G. S. 115-24 is hereby rewritten to read as follows:

"G. S. 115-24. Vacancies in Office. All vacancies in the membership of the Boards of Education whose members are elected pursuant to the provisions of G. S. 115-19 by death, resignation, or other causes shall be filled by appointment by the remaining members of the Board, of a person to serve until the next election of members of such Board, at which time

the remaining unexpired term of the office in which the vacancy occurs shall be filled by election."

Sec. 7. The provisions of this Act shall not apply to any County Board of Education that uses as a method of selecting the members to its Board of Education an election by a vote of the people as of the effective date of this Act.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall become effective on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 276 CHAPTER 973

AN ACT TO SET THE SALARIES AND PROVIDE FOR TERMS OF OFFICE FOR CERTAIN OFFICIALS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 259, Session Laws of 1961, is hereby repealed.

Sec. 2. The County Accountant of Mitchell County shall receive a salary of not less than six thousand dollars ($6,000.00) per year nor more than seven thousand, five hundred dollars ($7,500.00) per year as set by the Board of Commissioners of Mitchell County, said salary to be paid in equal monthly installments from the general fund of the county.

Sec. 3. The Assistant to the County Accountant of Mitchell County shall receive a salary which shall be set by the Commissioners of Mitchell County at not less than three thousand, three hundred dollars ($3,300.00) per year and not more than four thousand, two hundred dollars ($4,200.00) per year, to be paid in equal monthly installments from the general fund of the county.

Sec. 4. Each Deputy Sheriff, not exceeding two, and the Jailor of Mitchell County shall receive an annual salary of four thousand, two hundred dollars ($4,200.00) per year, to be paid in equal monthly installments from the general fund of the county. All expense allowances and other benefits now provided by law for such Deputy Sheriffs and Jailor shall be paid in addition to the said salary.

Sec. 5. The Sheriff of Mitchell County shall receive an annual salary of five thousand, two hundred dollars ($5,200.00) per year, to be paid in equal monthly installments from the general fund of the county. All expense allowances and other benefits now provided by law for such Sheriff shall be paid in addition to the salary here provided.

Sec. 6. The Clerk of Superior Court of Mitchell County and the Register of Deeds of Mitchell County may each expend annually such amount for clerical help as may be approved by the Commissioners of Mitchell County, provided however, that such amount for each office shall be set by said Commissioners at not less than one thousand, five hundred dollars ($1,500.00) per year and not more than two thousand, four hundred dollars ($2,400.00) per year.

Sec. 7. In the primary and general elections of 1968 and quadrennially thereafter, the Tax Collector, Register of Deeds, and County Accountant

of Mitchell County shall be elected for four-year terms, and shall take office on the first Monday in December of the year in which elected.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 411 CHAPTER 974

AN ACT TO AMEND CHAPTER 14 OF THE GENERAL STATUTES OF NORTH CAROLINA TO PROHIBIT THE ACQUISITION AND USE OF INFORMATION OBTAINED FROM PATIENTS IN HOSPITALS FOR FRAUDULENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Article 20 of Chapter 14 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 14-118.2, to be numbered G. S. 14-118.3, and to read as follows:

"G. S. 14-118.3. It shall be unlawful for any person, firm or corporation, or any officer, agent or other representative of any person, firm or corporation to obtain or seek to obtain from any person while a patient in any hospital information concerning any illness, injury or disease of such patient, other than information concerning the illness, injury or disease for which such patient is then hospitalized and being treated, for a fraudulent purpose, or to use any information so obtained in regard to such other illness, injury or disease for a fraudulent purpose.

"Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 503 CHAPTER 975

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OLD FORT, SO AS TO AUTHORIZE THE TOWN TO LEVY TAXES AND ISSUE BONDS AND NOTES AS PROVIDED BY THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Section 27 of Chapter 271, Private Laws of 1911, as amended by Chapter 213, Private Laws of 1927, is hereby rewritten to read as follows:

"Sec. 27. The Board of Aldermen of the Town of Old Fort is hereby authorized and empowered to levy taxes as provided in the General Statutes of North Carolina relating to the taxing authority of municipalities."

Sec. 2. Section 42 of Chapter 271, Private Laws of 1911, is hereby rewritten to read as follows:

"Sec. 42. The Board of Aldermen of the Town of Old Fort is hereby authorized and empowered to issue notes and bonds in accordance with the provisions of the General Statutes of North Carolina relating to municipalities."

Sec. 3. All laws and clauses of laws in conflict or inconsistent with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 527 CHAPTER 976

AN ACT AMENDING G. S. 106-422 RELATING TO THE INSPECTION, BY REPRESENTATIVES OF THE DEPARTMENT OF AGRICULTURE, OF VEHICLES CARRYING, OR SUSPECTED OF CARRYING, PLANTS INFESTED WITH PLANT PESTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-422 is amended by adding at the end thereof the following:

"Any duly authorized agent of the Commissioner shall have authority to stop or cause to be stopped on any highway or other public place, by any law enforcement officer at the request of said authorized agent of the Commissioner, any vehicle or other means of transportation that is being used, or that the representative of the Commissioner has reasonable grounds to believe is being used, to transport or move any plant, plant product or seed in violation of the provisions of this article."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 542 CHAPTER 977

AN ACT TO INCREASE THE DEATH BENEFITS CERTAIN FRATERNAL SOCIETIES MAY PROVIDE WITHOUT BECOMING SUBJECT TO ARTICLE 27 OF THE NORTH CAROLINA INSURANCE LAW.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-291 is hereby amended by inserting, immediately after the word "person" in line 5, the following: "Provided, that the Commissioner of Insurance, upon investigation, may, in his discretion, authorize the payment of death benefits not exceeding fifteen hundred dollars ($1500.00) to any one person."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 669 **CHAPTER 978**

AN ACT RELATING TO THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Section 128-24, subdivision (5), of the General Statutes is hereby amended in the following respects:

(a) By deleting the second sentence thereof which reads as follows: "Such benefits shall be computed in accordance with the provisions of G. S. 128-27 (b1)."

(b) By deleting the period at the end of the first sentence in subparagraph (a) and the second sentence and by adding the following: "; and further provided that in the case of a member who so separates from service on or after July 1, 1967, the aforestated requirement of 15 or more years of creditable service shall be reduced to 12 or more years of creditable service. Such deferred retirement allowance shall be computed in accordance with the provisions of Section 128-27, subsection (b1); provided that such benefits will be computed in accordance with subsection (b2) on and after July 1, 1967."

Sec. 2. Section 128-24, subsection (5) b, of the General Statutes is hereby amended by substituting a period in lieu of the semicolon at the end of the first proviso on line 13 and deleting the second proviso, "provided further that such application shall be duly filed within 60 days following the date of such separation".

Sec. 3. Section 128-27, subsection (b1), of the General Statutes is hereby amended by rewriting the portion thereof preceding the colon, to read as follows:

"(b1) Service Retirement Allowances of persons retiring on or after July 1, 1965, but prior to July 1, 1967. Upon retirement from service on or after July 1, 1965, but prior to July 1, 1967, a member shall receive a service retirement allowance which shall consist of:".

Sec. 4. Section 128-27 of the General Statutes is hereby amended by adding a new subsection (b2) to read as follows:

"(b2) Service Retirement Allowances of persons retiring on or after July 1, 1967. Upon retirement from service on or after July 1, 1967, a member shall receive a service retirement which shall consist of:

"(1) If the member's service retirement date occurs on or after his sixty-fifth birthday, such allowance shall be equal to one and one quarter per centum (1¼%) of the portion of his average final compensation not in excess of five thousand six hundred dollars ($5,600.00) plus one and one half per centum (1½%) of the portion of such compensation in excess of five thousand six hundred dollars ($5,600.00), multiplied by the number of years of his creditable service.

"(2a) If the member's service retirement date occurs before his sixty-fifth birthday, his service retirement allowance shall be computed as in (1)

above, but shall be reduced by one-third of one per cent (⅓ of 1%) thereof for each month by which his retirement date precedes the first day of the month coincident with or next following his sixty-fifth birthday.

"(2b) If the member's service retirement date occurs before his sixtieth birthday, his service retirement allowance shall be the actuarial equivalent of the allowance payable at the age of sixty years as computed in (2a) above.

"(3) Notwithstanding the foregoing provision, any member whose creditable service commenced prior to July 1, 1965, and policemen or firemen not covered under the Social Security Act employed thereafter, shall receive not less than the benefits provided by G. S. 128-27 (b)."

Sec. 5. Section 128-27, subsection (d), of the General Statutes is hereby amended by adding the following: "Supplemental disability benefits heretofore provided are hereby made a permanent part of disability benefits after age sixty-five, and shall not be discontinued at age sixty-five."

Sec. 6. Section 128-27, subsection (g), of the General Statutes is hereby amended in the following respects:

(a) The first sentence thereof is amended to read as follows: "With the provision that until the first payment on account of any benefit becomes normally due, or his first retirement check has been cashed, any member may elect to receive his benefits in a retirement allowance payable throughout life, or he may elect to receive the actuarial equivalent of such retirement allowance in a reduced allowance payable throughout life under the provisions of one of the Options set forth below: Provided further, that an optional election may be made after attainment of age sixty without establishment of a date of retirement: and further provided that, on or after July 1, 1967, said optional election may be made after attainment of age fifty-five or after completion of 30 years of creditable service, without establishment of a date of retirement."

(b) A new Option five is hereby added to read as follows:

"Option five. The member may elect to receive a reduced retirement allowance during his life, with some other benefit payable after his death; provided that the benefit shall be approved by the board of trustees."

Sec. 7. Section 128-27 of the General Statutes is hereby amended by adding a new subsection (j), to read as follows:

"(j) Increase in benefits to those persons who were in receipt of benefits prior to July 1, 1967. From and after July 1, 1967, the monthly benefits, to or on account of persons who commenced receiving benefits from the system prior to July 1, 1967, shall be increased by a percentage thereof. Such percentage shall be determined in accordance with the following schedule:

Period in Which Benefits Commenced	Percentage
January 1, 1966, to June 30, 1967	5%
Year 1965	6%
Year 1964	7%
Year 1963	8%
Year 1962	9%
Year 1961	10%

Year 1960	11%
Year 1959	12%
Year 1958	13%
Year 1957	14%
Year 1956	15%
Year 1955	16%
Year 1954	17%
Year 1953	18%
Year 1952	19%
Year 1951	20%
Year 1950	21%
Year 1949	22%
Year 1948	23%
Year 1947	24%
Year 1946	25%

The minimum increase pursuant to this subsection (j) shall be five dollars ($5.00) per month; provided that, if an optional benefit has been elected, said minimum shall be reduced actuarially as determined by the board and shall be applicable to a retired member, if surviving, otherwise to his designated beneficiary under the Option elected."

Sec. 8. Section 128-29 of the General Statutes is hereby amended by changing the last line of subsection (a) (2) to read as follows: "operatives, Federal Land Banks, International Bank for Reconstruction and Development, and Inter-American Development Bank."

Sec. 9. Section 128-30, subsection (b) (1), of the General Statutes is hereby amended by substituting "and with respect to the period of service commencing January 1, 1966, and ending June 30, 1967," for "and with respect to the period of service commencing January 1, 1966," in the first sentence of the second paragraph thereof, by deleting the period at the end of said sentence, and by adding thereto the following: "; and with respect to the period of service commencing July 1, 1967, the rate of such deductions shall be five per centum (5%) of the portion of compensation not in excess of five thousand six hundred dollars ($5,600.00) and six per centum (6%) of the portion of compensation in excess of five thousand six hundred dollars ($5,600.00)."

Sec. 10. Section 128-30 of the General Statutes is hereby amended by adding a new paragraph (3) to subsection (g) thereof, to read as follows:

"(3) If within 90 days after request therefor by the board any employer shall not have provided the system with the records and other information required hereunder or if the full accrued amount of the contributions provided for under this Section due from members employed by an employer or from an employer shall not have been received by the system from the chief fiscal officer of such employer within 30 days after the last due date as herein provided, then, notwithstanding anything herein or in the provisions of any other law to the contrary, upon notification by the board to the State Treasurer as to the default of such employer as herein provided, any distributions which might otherwise be made to such employer from any funds of the State shall be withheld from such em-

ployer until notice from the board to the State Treasurer that such employer is no longer in default."

Sec. 11. Section 128-26, subsection (a), of the General Statutes, is hereby amended by adding the following: "An employer may allow additional prior service credit on account of earlier service in the employ of any other political subdivision of the State of North Carolina. Upon participation of an employer, prior service credits may be allowed to a former employee who earlier transferred to the service of a participating employer. Upon transfer of an employee from a non-participating political subdivision of North Carolina to a participating employer, the participating employer may allow prior service and membership service credits for such earlier employment to the same extent as for employees in service on date of participation."

Sec. 12. Section 128-26, subsection (a), of the General Statutes is hereby amended by adding the following at the end thereof: "With respect to members retiring on or after July 1, 1967, the governing board of a participating unit may allow credit for any period of military service in the armed forces of the United States; provided the person returned to the service of his employer within two years after having been honorably discharged, or becoming entitled to be discharged, released, or separated from such armed services; provided further that notwithstanding the above provisions, any member having credit for not less than 10 years of otherwise creditable service may be allowed credit for such military services which are not creditable in any other governmental retirement system."

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 43 CHAPTER 979

AN ACT TO AMEND ARTICLE 29A OF CHAPTER 1 OF THE GENERAL STATUTES RELATING TO JUDICIAL SALES, ARTICLE 29B OF CHAPTER 1 OF THE GENERAL STATUTES RELATING TO EXECUTION SALES, AND ARTICLE 2A OF CHAPTER 45 OF THE GENERAL STATUTES RELATING TO SALES UNDER A POWER OF SALE.

The General Assembly of North Carolina do enact:

Section 1. Article 29A, of Chapter 1 of the General Statutes, relating to Judicial Sales, is hereby amended as follows:

(a) G. S. 1-339.17 (b) (2) is hereby amended to read as follows: "(2) The date of the last publication shall be not more than 10 days preceding the date of the sale."

(b) G. S. 1-339.25 (a), as the same appears in the 1965 Cumulative Supplement to Volume 1A of the General Statutes, is amended by:

(1) Inserting in the first sentence thereof, immediately following the word "cash", a comma and the following words, "or by certified check or cashier's check satisfactory to the said clerk,".

Sec. 2. Article 29B, of Chapter 1 of the General Statutes, relating to Execution Sales, is hereby amended as follows:

(a) G. S. 1-339.52 is amended by:

(1) Amending subsection (a) (2)b thereof to read, "b. If no such newspaper is published in the county, then notice shall be published once a week for at least four successive weeks in a newspaper having general circulation in the county."

(2) Amending subsection (b) (2) thereof to read, "(2) The date of the last publication shall be not more than 10 days preceding the date of the sale."

(b) G. S. 1-339.64 (a) is amended by:

(1) Inserting in the first sentence thereof, immediately following the word "cash", a comma and the following words, "or by certified check or cashier's check satisfactory to the said clerk,".

(2) Substituting a semicolon for the period at the end of the first sentence thereof and adding thereto the words, "such deposit to be made with the Clerk of Superior Court before the expiration of the tenth day, and if the tenth day shall fall upon a Sunday or holiday, or upon a day in which the office of the clerk is not open for the regular dispatch of its business, the deposit may be made on the day following when said office is open for the regular dispatch of its business."

(c) G. S. 1-339.67 is hereby amended by changing the statute citation in the second sentence thereof to read "G. S. 1-339.64".

(d) G. S. 1-339.68 is hereby amended by adding thereto a subsection (c) as follows: "(c) Orders for possession of real property sold pursuant to this Article, in favor of the purchaser and against any party or parties in possession at the time of the sale who remain in possession at the time of application therefor, may be issued by the Clerk of the Superior Court of the county in which such property is sold, when:

1. The purchaser is entitled to possession, and
2. The purchase price has been paid, and
3. The sale or resale has been confirmed, and
4. Ten days' notice has been given to the party or parties in possession at the time of the sale or resale who remain in possession at the time application is made, and
5. Application is made to such clerk by the purchaser of the property."

Sec. 3. Article 2A of Chapter 45 of the General Statutes, relating to Sales Under a Power of Sale, is hereby amended as follows:

(a) G. S. 45-21.17 (c) (2) is hereby amended to read as follows: "(2) The date of the last publication shall be not more than 10 days preceding the date of the sale."

(b) G. S. 45-21.27 is hereby amended by:

(1) Substituting a semicolon for the period at the end of the first sentence of subsection (a) thereof, as the same appears in the 1965 Cumulative Supplement to Volume 2A of the General Statutes, and adding thereto the words, "such deposit to be made with the Clerk of Superior Court before the expiration of the tenth day, and if the tenth day shall fall upon a Sunday or holiday, or upon a day in which the office of the clerk is not open for the regular dispatch of its business, the deposit may

be made on the day following when said office is open for the regular dispatch of its business."

(2) Striking the word "sale" from the first sentence of subsection (c) and substituting therefor the word "resale".

(a) G. S. 45-21.29 is hereby amended by:

(1) Rewriting subsection "(k)" thereof to read, "(k)" Orders for possession of real property sold pursuant to this Article, in favor of the purchaser and against any party or parties in possession at the time of the sale who remain in possession at the time of application therefor, may be issued by the Clerk of the Superior Court of the county in which such property is sold, when:

1. Such property has been sold in the exercise of the power of sale contained in any mortgage or deed of trust or granted by this Article, and

2. The purchaser is entitled to possession, and

3. The purchase price has been paid, and

4. The sale has been consumated, or if a resale is held, such resale has been confirmed, and

5. Ten days' notice has been given to the party or parties in possession at the time of the sale or resale who remain in possession at the time application is made, and

6. Application is made to such clerk by the mortgagee, the trustee named in such deed of trust, any substitute trustee, or the purchaser of the property."

(e) A Section is added, immediately following G. S. 45-21.29, to read as follows: "§ 45-21.29A. No confirmation of sales of real property made pursuant to this Article shall be required except as provided in G. S. 45-21.29(h) for resales. If in case of an original sale under this Article no upset bid has been filed at the expiration of the ten-day period, as provided in G. S. 45-21.27, the rights of the parties to the sale become fixed."

Sec. 4. This Act does not amend the Uniform Commercial Code as enacted in this State. The application of statutes herein included or amended insofar as they relate to transactions subject to the Uniform Commercial Code as enacted in this State shall be in accordance with Article 10 of Chapter 25, of the General Statutes.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 222 CHAPTER 980

AN ACT AMENDING CHAPTER 1455 OF THE 1957 SESSION LAWS, SO AS TO PERMIT THE SALE OF BEER AND WINE IN AREAS ANNEXED BY THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 1455 of the Session Laws of 1957 is amended by striking therefrom after the word "hereof" in line 4 thereof all thereafter within said Section 8 and substituting in lieu thereof the

words: "or within 3 miles of the center of the acreage belonging to Methodist College, Inc. For the purpose of further clarification of this description, the Bell Tower on said Methodist College campus shall be deemed to be the center of said acreage belonging to Methodist College, Inc. Excepted from the provisions of this Section 8 are those areas which are a part of the City of Fayetteville as of January 1, 1967; and no municipality or other governmental agency shall grant any license for the sale of beer, wine or other alcoholic beverages within the areas defined in this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 292 CHAPTER 981

AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO FIX OPEN SEASON ON DOE DEER IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Wildlife Resources Commission shall have authority in 1967 and 1968 to allow the taking of female deer in portions of Pender County provided that:

(a) the Commission shall first make a study and determine the feasibility of permitting the taking of female deer in said county and the number, if any, of female deer to be permitted to be taken;

(b) a public hearing shall be held by the Commissioner in said county at which hearing the Commission shall announce the number of female deer which may be taken, and the specific portion of said county where female deer may be taken;

(c) all hunts permitted by authority of this Act shall be supervised by the Commission with no less than one game protector present at each hunt for every 20 hunters;

(d) all hunts permitted by authority of this Act shall be conducted on Mondays;

(e) when the number of female deer permitted to be taken on each hunt has been taken, the Commission shall immediately stop the hunt.

Sec. 2. This Act shall not be construed as authorizing the Commission to allow the taking of female deer throughout Pender County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict, but this Act shall not be construed to modify, repeal or abrogate any of the provisions of Article 24 of Chapter 143 of the General Statutes known as the "North Carolina Wildlife Resources Law".

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 304 **CHAPTER 982**

AN ACT TO AMEND GS 153-5, TO PROVIDE FOR THE ELECTION OF THE BOARD OF COUNTY COMMISSIONERS OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-5 is hereby amended by adding at the end thereof the following:

"The Board of County Commissioners in Rowan County shall consist of five members, to be nominated and elected by the voters of the entire county, and the present members of the Board of Commissioners shall continue to hold office until their successors are elected and qualified as herein provided."

Sec. 2. There shall be elected in Rowan County at the general election to be held in 1968 five members of the Board of County Commissioners. The two candidates receiving highest votes in the 1968 election shall be elected for a term of four years, and the three receiving next highest vote shall be elected for two years. In the 1970 general election there shall be elected three commissioners for a term of four years and each two years thereafter there shall be elected at the regular general election the number to replace those whose terms expire.

The members elected in 1968, and thereafter, shall take office on the first Monday of December in the year said members are elected.

In the event two or more candidates receive the same number of votes in the election, the County Board of Elections shall determine which candidates are elected for a term of four years and which candidates are elected for two-year terms.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 321 **CHAPTER 983**

AN ACT TO AMEND G. S. 108-9, RELATING TO PAYMENTS OF WELFARE FUNDS TO PERSONS IN CERTAIN CLASSES OF NURSING HOMES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 108-9 is hereby amended by striking out subdivisions (3) and (5) and redesignating subdivision (4) as subdivision (3).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 543 **CHAPTER 984**

AN ACT TO AMEND THE PROVISIONS OF G. S. 10-9 RELATING TO NOTARIES PUBLIC.

The General Assembly of North Carolina do enact:

Section 1. G. S. 10-9 is hereby amended by inserting the words "in the State of North Carolina" after the word "public" and before the word "shall" in the first line.

Sec. 2. G. S. 10-9 is hereby further amended by rewriting paragraph numbered "(3)" thereof to read as follows:

"(3) By the clear and legible appearance of their notarial stamps."

Sec. 2½. G. S. 10-9 is hereby further amended by deleting the period at the end of the last sentence, and adding the following:

"and, provided further, that where a clear and legible impression of a notarial seal appears on an instrument, the same shall be deemed as valid as if a notarial stamp were used."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1968.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 546 **CHAPTER 985**

AN ACT REWRITING G. S. 58-228 AND G. S. 58-237 RELATING TO ASSESSMENTS AGAINST MUTUAL BURIAL ASSOCIATIONS FOR THE EXPENSES OF THE BURIAL COMMISSIONER AND RELATED TO THE BOND REQUIRED OF BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 58-228, as the same appears in the 1965 Replacement Volume 2B of the General Statutes, is rewritten as follows:

"§ 58-228. Assessments Against Associations for Expenses of Burial Commissioner.

"In order to meet the expenses of the supervision of the Burial Associations, the Burial Association Commissioner shall prorate the amount of supervisory costs over and above any other funds in his hands for this purpose and assess each association on a pro rata basis in accordance with the number of members of each association, which total assessment shall, in the aggregate, amount to eighty per centum (80%) of the total budget of the Burial Association Commissioner as approved by the Director of the Budget and the Advisory Budget Commission; Provided that, said total assessment shall not exceed fifty-six thousand dollars ($56,000). Each Burial Association shall remit to the Burial Association Commissioner its pro rata part of the assessment, which expense shall be included in the thirty per centum (30%) expense allowance as provided in Article 13 of G. S. 58-226. This assessment shall be made on the first day of July of each and every year and said assessment shall be paid within 30 days thereafter. If any association shall fail or refuse to pay such assessment

within 30 days, the Burial Association Commissioner is authorized to transfer all memberships and assets of every kind and description to the nearest next association that is found by the Burial Association Commissioner to be in good sound financial condition."

Sec. 2. G. S. 58-237, as the same appears in the 1965 Replacement Volume 2B of the General Statutes, is rewritten to read as follows:

"§ 58-237. Bond of Secretary or Secretary-Treasurer of Burial Association.

"The Secretary or Secretary-Treasurer of each Burial Association shall, before entering upon the duties of his office, and for the faithful performance thereof, execute a bond payable to the Burial Commissioner as trustee for the Burial Association in some bonding company licensed to do business in this State, to be approved by the Burial Association Commissioner. Said bond shall be in an amount not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000), in the discretion of the Commissioner, for those associations whose assets, as determined by the Commissioner's audit, are ten thousand dollars ($10,000) or less. For those associations whose assets, as determined by the Commissioner's audit, are in excess of ten thousand dollars ($10,000), said bond shall be in an amount of ten thousand dollars ($10,000) plus twenty-five per centum (25%) of all assets over ten thousand dollars ($10,000); Provided however, that the bond required by this Section shall not in any event exceed fifty thousand dollars ($50,000). If any association operates a branch or subsidiary and the officers of both associations are the same, for purposes of this Section, it shall be treated as one association. Any Burial Association, with the consent of the Burial Association Commissioner, may give a bond secured by a deed of trust on real estate situated in North Carolina, in lieu of procuring said bond from a bonding company. The bond thus given shall not be acceptable in excess of the ad valorem tax value for the current year of the real estate securing said bond. The deed of trust shall be recorded in the county or counties wherein the land lies and shall be deposited with the Burial Association Commissioner, name the Commissioner as trustee for the Burial Association and must constitute a first lien on the property secured by the deed of trust. Said deed of trust shall contain a description of the encumbered property by metes and bounds together with evidence by title insurance policy or by certificate of an attorney at law, certifying that said trustor is the owner of a marketable fee simple title to such lands."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 563 **CHAPTER 986**

AN ACT TO AMEND CHAPTER 105 OF THE GENERAL STATUTES OF NORTH CAROLINA TO LEVY AN EXCISE STAMP TAX ON CONVEYANCES OF REAL ESTATE.

WHEREAS, the United States Congress has repealed the federal tax on transfers of real estate, effective January 1, 1968, in order to enable the several states, in their discretion, to enact similar laws suitable to the respective states; and

WHEREAS, the North Carolina Tax Study Commission has recommended that North Carolina enact an excise stamp tax on conveyances of real estate in order to permit the continuing study of ratios of appraisal value to market value of property subject to ad valorem taxation; and

WHEREAS, the General Assembly finds and declares that because continuing ratio studies will aid materially in equalizing property values of public utilities, will serve to verify the competence of professional appraisals used in revaluations of property, will enable tax assessors to more equitably establish standards of value, and will enable individual property owners to better appeal from local tax valuations, that the excise stamp tax, which indicates sales prices, is in the public interest: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 105 of the General Statutes of North Carolina is hereby amended by adding a new article thereto immediately following Article 8D, to be designated Article 8E, and to read as follows:

"Article 8E

"Excise Stamp Tax on Conveyances

"G. S. 105-228.28. To Whom this Article Shall Apply. The provisions of this article shall apply to every person, firm, corporation, association, society or organization conveying an interest in real estate located in North Carolina other than a governmental unit and instrumentalities thereof.

"G. S. 105-228.29. Conveyances Excluded. The provisions of this article shall not apply to transfers of an interest in real estate by operation of law, by lease for a term of years, by or pursuant to the provisions of a will, by intestacy, by gift, by merger or consolidation, or by instruments securing indebtedness, or any other transfer where no consideration in property or money is due or paid by the transferee to transferor.

"G. S. 105-228.30. Imposition of Excise Stamp Tax. There is hereby levied an excise tax on each deed, instrument or writing by which any lands, tenements or other realty shall be granted, assigned or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons. The tax imposed hereby shall be at the rate of fifty cents (50¢) on each five hundred dollars ($500.00) or fractional part thereof of the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrance remaining thereon at the time of sale). The tax hereby imposed and levied shall be paid by the transferor

or transferors to the county wherein the real estate is situated prior to recording the instrument of conveyance; provided that, if the instrument transfers any parcel of real estate lying in two or more counties, the tax shall be paid to the county wherein the greater part of the real estate with respect to value lies. Except as otherwise hereinafter provided, the proceeds of the tax herein levied shall be retained by the county and placed in its general fund.

"G. S. 105-228.31. Issuance of Tax Stamp. The Commissioner of Revenue shall furnish to the register of deeds of each county tax stamps to be issued upon payment of the tax herein imposed. Counties shall pay to the Commissioner a reasonable charge therefor to cover the cost of printing and handling same. Such tax stamps shall be uniform as to size and design and shall be in such form as determined by the Commissioner of Revenue and shall be valid until cancelled as hereinafter provided for.

"The register of deeds of any county is authorized to affix stamps by meter or other similar device in accordance with procedures established by the Commissioner of Revenue. Stamps affixed by such devices shall be uniform as to size and design and shall be in such form as determined by the Commissioner and cancellation as provided by this article is not required.

"G. S. 102-228.32. Duties of Register of Deeds. The register of deeds of each county shall obtain from the Commissioner of Revenue and keep on hand an adequate supply of excise tax stamps. The register of deeds shall keep such records and otherwise account for said stamps in accordance with procedures established by the Commissioner of Revenue for the control, distribution and sale of said stamps and for the accounting for proceeds of their sale consistent with this article. Every instrument of conveyance subject to tax herein shall have affixed to the face thereof, prior to recording the same in the office of the register of deeds, the tax stamp issued pursuant to this article. The register of deeds shall cancel said stamp or stamps prior to recording by writing the date of filing on the face of said stamp or stamps.

"G. S. 102-228.33. Taxes Recoverable by Action. Upon the failure to pay the taxes imposed by this article, they may be recovered in an action in the name of the county brought in the Superior Court of said county when the same remain unpaid for a period of 30 days after demand has been made by the register of deeds on behalf of the county therefor. In such actions, costs of court shall include a fee to the county of twenty-five dollars ($25.00) for expense of collection.

"G. S. 105-228.34. Willful Failure to Pay Tax. Any transferor or agent of transferor of real estate willfully and knowingly failing to pay the correct amount of the tax imposed by this article or any person aiding, abetting, or directing any other person to willfully and knowingly fail to pay the correct amount of such tax shall be guilty of a misdemeanor and fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each offense.

"G. S. 105-228.35. Administrative Provisions. The provisions of subchapter III, Article 30 of Chapter 105 of the General Statutes of North Carolina to the extent applicable shall apply to the tax imposed herein.

"G. S. 105-228.36. Reproduction of Tax Stamps. No person, firm, or corporation shall print, engrave, or otherwise reproduce excise tax stamps except with the express permission of the Commissioner of Revenue. The unauthorized reproduction of said stamps shall be punishable as a forgery under G. S. 14-119."

Sec. 2. Severability. If any provision of this Act, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on January 1, 1968, and shall apply to all conveyances made on or after that date.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 969 **CHAPTER 987**

AN ACT TO AMEND THE SMALL WATERSHED LAWS WITH REGARD TO BORROWING BY COUNTIES FOR WATERSHED IMPROVEMENT PROGRAMS; BORROWING BY COUNTIES AND MUNICIPALITIES FOR WATER SUPPLY ASPECTS OF SUCH PROGRAMS; EMINENT DOMAIN POWERS; EXTRATERRITORIAL POWERS; LAND ACQUISITION AUTHORITY; RECREATIONAL EXPENDITURES, AND FISH AND WILDLIFE HABITAT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 139-3 is hereby amended by adding thereto at the end thereof the following additional definitions:

"(17) A 'watershed improvement project' means a project of watershed improvement (whether involving flood prevention, drainage improvement, water supply, soil and water conservation, recreation facilities, fish and wildlife habitat, or other related purposes, singly or in combination) which is underaken:

(a) By a watershed improvement district under the provisions of Article 2 of Chapter 139 of the General Statutes of North Carolina or any local act granting similar powers.

(b) By a soil and water conservation district under the provisions of Article 1 of Chapter 139 of the General Statutes or any local act granting similar powers.

(c) By a drainage district under the provisions of Chapter 156 of the General Statutes or any local act granting similar powers.

(d) By a county that is carrying out a county watershed improvement program under the provisions of Article 3 of Chapter 139 of the General Statutes or any local act granting similar powers.

(e) By any combination of the foregoing, acting as joint sponsors of a watershed improvement program."

"(18) A 'watershed improvement work' means a single feature or facility or portion of a watershed improvement project, such as a water

retarding or impoundment structure for one or more authorized watershed purposes or a section of improved stream channel or the land treatment measures associated with a water retarding structure."

Sec. 2. G. S. 153-77 is amended by adding thereto at the end thereof a new paragraph, to be given an appropriate number, and to read as follows:

"( ) Construction, reconstruction, installation, extension, alteration and improvement of watershed improvement works or projects installed or operated, or to be installed or operated, by a county under Article 3 of General Statutes Chapter 139 or any local act granting similar powers, including without limitation the acquisition of real and personal property, easements, options, or other interests in real property therefor."

Sec. 3. G. S. 153-80 is amended by adding thereto at the end thereof a new paragraph to be given an appropriate number, and to read as follows:

"( ) County watershed improvement works or projects, and acquisition of land or interests in land therefor, 40 years."

Sec. 4. Article 2 of General Statutes Chapter 139 is hereby amended by adding thereto at the end thereof a new Section, to be given an appropriate number, and to read as follows:

"§ 139- . Borrowing by Local Units for Anticipated Water Supplies. (a) Any local unit may issue bonds or other obligations in the manner provided by this Section (and may appropriate and expend funds derived therefrom) for the purpose of financing all or any part of the cost of providing storage capacity for anticipated future or present water supply needs, in conjunction with any watershed improvement work or project.

"(b) Any two or more local units, each situated in whole or in part in the basin of the same river in which a watershed improvement work or project is located, may issue bonds or other obligations for the purpose stated in subsection (a) of this Section in such amounts as constitute their proportionate parts, respectively, of the estimated cost of such a work or project. The governing bodies of said local units shall jointly determine and agree upon the proportionate part of the estimated cost which each local unit is to bear, taking into consideration the taxable resources of each local unit and such other economic and beneficial factors as deemed pertinent and advisable, and such determination shall be recorded in the minutes of each such body.

"(c) Such bonds or other obligations of counties shall be issued pursuant to the County Finance Act, as amended: Provided, the amount thereof shall constitute an item to be included in the sum in item (8) of Section 153-84 of said Act in arriving at the net debt for other than school purposes in item (9) of said Section: Provided, further, the provisions of Section 153-80, 153-82 and 153-103 of said Act shall not apply to such bonds. Such bonds or obligations shall mature at such time or times, not exceeding 40 years from their date, and may be subject to redemption with or without premium as the governing body may by resolution determine, with the approval of the Local Government Commission.

"(d) Such bonds or other obligations of municipalities shall be issued pursuant to the Municipal Finance Act, 1921, as amended, and the amount thereof shall constitute a deduction from the gross debt under subsection (a)(2) of Section 160-383 of said Act: Provided, the provisions of Sections 160-382 and 160-391 shall not apply to such bonds and such bonds may not be consolidated with bonds authorized by another ordinance as provided in Section 160-380 of said Act. Such bonds or obligations shall mature at such time or times, not exceeding 40 years from their date, and may be subject to redemption with or without premium as the governing body may determine, with the approval of the Local Government Commission.

"(e) Notwithstanding any other provisions of law, the Local Government Commission may sell any bonds or other obligations issued pursuant to this Section to the United States of America, or any agency thereof, at private sale and without advertisement. The first installment of principal of bonds or other obligations issued under this Section may be made payable not more than 10 years after the date of the bonds or obligations. Accrual of interest may be deferred not more than 10 years. Any such bonds or other obligations may contain appropriate provisions which will authorize the initiation of payments of interest and installments of principal on the bonds on a date not later than 10 years from the date of such bonds or obligations, or on the date when the local unit shall begin to use such local water supplies, whichever date shall occur first. The date on which such use of local water supplies begins shall be determined by the governing body of the local unit issuing such bonds or other obligations, which determination shall be binding and conclusive.

"(f) If the bonds or other obligations of one or more local units which have agreed upon their proportionate part of the estimated cost, as provided for in subsection (b) of this Section, are required by the laws or the Constitution to be submitted to the voters of such local unit at an election and a majority of said voters voting in said election vote against the issuance of such bonds, the bonds or other obligations of any other local unit which have been duly authorized may be issued in whole or in part only when a sufficient number of local units have agreed upon their proportionate part as provided in subsection (b) of this Section and have duly authorized their bonds or obligations so that the full amount of such estimated cost may be paid.

"(g) As used in this Section the following terms have the following meanings:

'Local Unit' means any county or municipality.

'Local water supplies' include any municipal or county water supplies' whether or not the purposes served by a particular storage facility financed under this Section initially include service to domestic or any other water supply customers.

'Costs' include the cost of water storage capacity in a structure or facility (or other equivalent costs for water supply purposes) and the cost of facilities for release or withdrawal of water stored for water supply purposes, as well as other installation costs of a structure or facility including costs of real and personal property, easements, options, or other interests in real property, and water rights, engineering and inspection fees,

contract administration costs, and costs of conveyance facilities for local water supplies."

Sec. 5. Article 2 of General Statutes Chapter 139 is hereby amended by adding thereto at the end thereof a new Section to be numbered G. S. 139-38 and to read as follows:

"§ 139-38. Power of Eminent Domain Conferred on Watershed Improvement Districts. (a) A watershed improvement district shall have the power to acquire by condemnation any interest in land needed in carrying out the purposes of this Act, except interests in land within the boundaries of any project licensed by the Federal Power Commission or interests in land owned or held for use by a public utility as defined in G. S. 62-3. This power may be exercised only after:

"(1) The district makes application to the Committee, identifying the land sought to be condemned and stating the purposes for which said land is needed; and

"(2) The Committee finds that the land is sought to be acquired for a proper district purpose. The findings of the Committee shall be conclusive in the absence of fraud, notwithstanding any other provision of law.

"(b) The Committee shall certify copies of its findings to the applicant district, the State Board and the Clerk of Superior Court of the county or counties wherein any part of the district lies for recordation in the special proceedings thereof.

"(c) For purposes of this Section:

"(1) The term 'interest in land' means any land, right of way, right of access, privilege, easement, or other interest in or relating to land. Said 'interest in land' does not include an interest in land which is held or used in whole or in part for a public water supply, unless such 'interest in land' is not necessary or essential for such uses or purposes.

"(2) A 'description' of land shall be sufficient if the boundaries of the land are described in such a way as to convey an intelligent understanding of the location of the land. In the discretion of the applicant district, boundaries may be described by any of the following methods or any combination thereof: by reference to a map; by metes and bounds; by general description referring to natural boundaries, or to boundaries of existing political subdivisions or municipalities, or to boundaries of particular tracts or parcels of land.

"(3) 'Committee' means the State Soil and Water Conservation Committee.

"(d) The procedure in all condemnation proceedings pursuant to this Section shall conform as nearly as possible to the procedure provided in G. S. Chapter 40, Article 2, and all Acts amendatory thereof.

"(e) Interests in land acquired pursuant to this Section may be used in such manner and for such purposes as the trustees of the district deem best. If, in the opinion of the trustees, such lands should be sold, leased or rented, the trustees may do so, subject to the approval of the Committee.

"(f) All provisions of local acts inconsistent herewith limiting condemnation powers of watershed improvement districts or of counties for county watershed improvement programs are hereby repealed."

Sec. 6. Article 3 of General Statutes Chapter 139 is hereby amended by adding thereto at the end thereof a new Section to be numbered G. S. 139-44 and to read as follows:

"§ 139-44. Power of Eminent Domain Conferred on Counties in Certain Cases. A county which has been authorized to levy a watershed improvement tax, whether pursuant to this Article or by local act or otherwise, shall have for purposes of its county watershed improvement program the powers conferred upon watershed improvement districts by G. S. 139-38 (as the same may be amended from time to time), subject to the limitations and procedures prescribed therein. For this purpose, a county shall be considered a watershed improvement district, and the board of county commissioners shall be considered the trustees of the applicant district."

Sec. 7. Article 3 of General Statutes Chapter 139 is hereby amended by adding thereto at the end thereof a new Section to be given an appropriate number, and to read as follows:

"§ 139- . Extraterritorial Powers of Counties. A county which has been authorized to levy a watershed improvement tax, whether pursuant to Article III of General Statutes Chapter 139 or by special act or otherwise, may take any authorized watershed action and may expend funds for any authorized watershed purpose (including acquisition of real and personal property, easements, options, or other interests in real property) outside as well as inside the boundaries of the county, if the board of county commissioners finds that substantial flood prevention, drainage or water supply benefits will accrue to property located within the boundaries of the county as a result of such action or expenditure. The board of county commissioners may delegate to a Watershed Improvement Commission the function of making such findings, either generally or in a particular case."

Sec. 8. G. S. 139-39 is hereby amended by deleting therefrom the last three words thereof, "within the county".

Sec. 9. Article 3 of General Statutes Chapter 139 is hereby amended by adding thereto at the end thereof a new Section, to be given an appropriate number, and to read as follows:

"§ 139- . Recreational and Related Aspects of Watershed Improvements Programs. (a) Local watershed sponsors may install and maintain recreational facilities and services in connection with watershed improvement works or projects, and may provide areas (including structures) for the conservation and replacement of fish and wildlife habitat. For any of these purposes said sponsors may appropriate and expend funds, may levy taxes and assessments, and may issue bonds and notes, to the same extent as in the case of other authorized watershed activities. Such recreational facilities and services may include but are not limited to any or all of the water-related recreational facilities provided for in subsection (b) of this Section, and parking areas, ingress and egress roads, hiking or nature trails, picnic areas and campsites. No application for watershed planning under Public Law 566 (83rd Congress, United States), as amended, may be approved by the State Soil and Water Conservation Committee until after receipt and consideration of recommendations from the appropriate fish and wildlife agency concerning replacement of fish and wildlife habitat

in mitigation of anticipated damages: Provided that this requirement for consideration of fish and wildlife recommendations shall not apply if such recommendations are not received by the State Committee within 30 days after the State Committee requests such recommendations. Within the meaning of this provision the 'appropriate fish and wildlife agency' means the North Carolina Wildlife Resources Commission as to matters within its jurisdiction, and the North Carolina Department of Conservation and Development as to matters within its jurisdiction, or both such agencies as to matters within their concurrent jurisdiction.

"(b) It is hereby declared that the provisions of this chapter authorizing works of improvement, structures, plans, surveys and investigations for the development of water resources were intended to include water-related recreational facilities, including but not limited to boat launching areas and facilities, bathhouses, campsites and picnic areas adjacent to the water, and other basic facilities for water recreational areas. All expenditures heretofore incurred by any local watershed sponsor for such water-related recreational facilities are hereby validated and confirmed. The proceeds of any tax heretofore approved by the voters of a county for a county watershed improvement program, or authorized by special or local act for a county watershed improvement program, may be expended for such water-related recreational facilities, if the board of county commissioners after a public hearing determines that the proceeds should be so expended. Notice of such hearing shall be published as provided for notices under Article 2 of this chapter. No action based on the alleged invalidity of the expenditures herein confirmed or of the use of tax proceeds herein authorized shall lie after January 1, 1968 to enjoin or contest any such expenditure or any such use of tax proceeds.

"(c) Within the meaning of this Section 'local watershed sponsors' include watershed improvement districts, soil and water conservation districts, drainage districts, municipalities, and counties undertaking county watershed programs under Article 3 of this chapter or any local act granting similar powers."

Sec. 10. The first sentence of G. S. 139-41(a) is hereby amended by inserting in line 4 thereof, following the figure "(3)," and preceding the figure "(5)" the figure "(4)," so that said sentence will read as follows:

"If the majority of the qualified voters voting in such election favor the levying of such tax, then and in that event, the board of county commissioners shall have all powers of soil and water conservation districts as set forth in subdivisions (1), (2), (3), (4), (5), (6), (7), (8) and (10) of G. S. 139-8 (subject to the limitations set forth in subdivision (12) of such Section) concerning flood prevention, development of water resources, flood water and sediment damages, and conservation, utilization and disposal of water." It is hereby declared that the purpose of this Section is to clarify the existing authority of boards of county commissioners to acquire property in connection with county watershed improvement programs. The authority expressed in this Section concerning acquisition, use and disposition of property by counties under the provisions of G. S. 139-41(a)(4) shall be considered to be in addition to the general property acquisition use and disposal powers of counties under G. S. Chapter 153 or otherwise.

All expenditures heretofore incurred by counties for property acquisition in connection with county watershed improvement programs are hereby validated and confirmed, as being based upon said general property acquisition powers of counties. The proceeds of any tax heretofore or hereafter approved by the voters of a county for a county watershed improvement program, or authorized by local act for a county watershed improvement program, may be expended for property acquisition in connection with such program.

Sec. 11. Nothing contained in this Act shall authorize or allow the withdrawal of water from a watershed or stream except to the extent and degree now permissible under the existing common and statute law of this State; nor to change or modify such existing common or statute law with respect to the relative rights of riparian owners or others concerning the use or disposal of water in the streams of this State; nor to authorize a district, its officers or governing body or any other person, firm, corporation (public or private), body politic or governmental agency to utilize or dispose of water except in the manner and to the extent permitted by the existing common and statute law of this State.

Sec. 12. The authority granted hereinabove is supplemental and additional to any other authority granted by law relating to watershed improvement programs, whether by general or special law.

Sec. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 15. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1119 CHAPTER 988

AN ACT TO AMEND CHAPTER 107 OF THE PRIVATE LAWS OF 1907 AND CHAPTER 187 OF THE PRIVATE LAWS OF 1931 RELATING TO THE TOWN OF BOONE.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Boone, as established by Section 1 of Chapter 107 of the Private Laws of 1907, Chapter 172 of the Private Laws of 1913, and Chapter 75 of the Private Laws of 1923, are hereby confirmed, and the descriptions thereof are hereby amended by adding thereto the description of that territory already annexed by the Town pursuant to general laws effective on July 15, 1965, such annexed area being more particularly described as follows:

BEGINNING at a stake where the present Boone corporate limits crosses N. C. Road 1520 (State Farm Road) and running thence North 09 degrees 54 minutes 24 seconds East 1683.48 feet; thence North 50 degrees 38 minutes 02 seconds West 2588.38 feet; thence North 24 degrees

03 minutes 59 seconds East 1071.86 feet; thence North 79 degrees 10 minutes 16 seconds East 4204.88 feet; thence South 64 degrees 13 minutes 02 seconds East 1310.46 feet; thence South 76 degrees 27 minutes 07 seconds East 853.76 feet; thence South 9 degrees 38 minutes 40 seconds West 1551.94 feet; thence South 45 degrees 45 minutes 50 seconds East 530.38 feet; thence South 66 degrees 28 minutes 04 seconds East 676.24 feet; thence South 18 degrees 59 minutes 15 seconds East 983.51 feet; thence South 84 degrees 29 minutes 52 seconds West 1095.05 feet; thence South 52 degrees 50 minutes 51 seconds West 1217.02 feet; thence North 43 degrees 59 minutes 42 seconds West 604.67 feet; thence North 88 degrees 43 minutes 37 seconds West 675.17 feet; thence South 79 degrees 25 minutes 06 seconds West 1388.61 feet; thence South 28 degrees 07 minutes 14 seconds East 1400.30 feet; thence South 06 degrees 56 minutes 28 seconds West 1158.49 feet; thence South 48 degrees 14 minutes 50 seconds East 1997.25 feet; thence South 52 degrees 52 minutes 09 seconds East 878.01 to a point located 100 feet from the State Farm Road; thence South 55 degrees 58 minutes 50 seconds East 241.30 feet to a stake; thence South 41 degrees 11 minutes 09 seconds East 212.60 feet to a stake; thence South 32 degrees 03 minutes 01 seconds East 678.40 feet to a point 100 feet from the intersection of N. C. Road 1521 and N. C. Road 1522; thence North 51 degrees 46 minutes 30 seconds East 705.31 feet to the center of creek; thence South 13 degrees 14 minutes 26 seconds East 135.00 feet to the creek and bridge; thence South 13 degrees 40 minutes 17 seconds West 190.39 feet; thence South 30 degrees 57 minutes 50 seconds East 116.62 feet; thence South 69 degrees 08 minutes 44 seconds East 224.72 feet; thence South 43 degrees 18 minutes 55 seconds East 240.55 feet; thence South 16 degrees 41 minutes 57 seconds East 261.01 feet; thence South 02 degrees 54 minutes 14 seconds West 690.89 feet; thence South 28 degrees 09 minutes 02 seconds West 646.47 feet; thence South 36 degrees 43 minutes 27 seconds West 393.00 feet; thence South 47 degrees 23 minutes 11 seconds West 56.62 feet; thence South 42 degrees 30 minutes 50 seconds East 225.01 feet; thence South 72 degrees 12 minutes 10 seconds West 416.98 feet; thence South 47 degrees 23 minutes 09 seconds West 204.60 feet; thence North 80 degrees 48 minutes 00 seconds West 4910.97 feet; thence North 28 degrees 33 minutes 16 seconds West 1223.87 feet; thence South 88 degrees 03 minutes 01 seconds West 1175.68 feet; thence North 68 degrees 11 minutes 07 seconds West 8046.18 feet; thence North 87 degrees 54 minutes 04 seconds West 485.64 feet; thence North 00 degrees 24 minutes 53 seconds West 776.28 feet; thence North 75 degrees 02 minutes 39 seconds East 120.00 feet; thence South 68 degrees 11 minutes 55 seconds East 2019.44 feet; thence North 68 degrees 44 minutes 58 seconds East 2510.72 feet; thence South 89 degrees 06 minutes 01 seconds East 1003.63 feet; thence South 45 degrees 52 minutes 49 seconds East 65.25 feet; thence North 84 degrees 36 minutes 13 seconds East 294.86 feet; thence North 85 degrees 51 minutes 55 seconds East 416.08 feet; thence North 63 degrees 21 minutes 46 seconds West 397.00 feet; thence South 74 degrees 13 minutes 26 seconds East 335.33 feet; thence South 45 degrees 16 minutes 56 seconds East 1162.75 feet; thence South 54 degrees 59 minutes 37 seconds East 1130.78

feet; thence North 05 degrees 49 minutes 35 seconds West 246.27 feet; thence North 20 degrees 51 minutes 16 seconds West 337.08 feet; thence North 09 degrees 34 minutes 21 seconds West 159.71 feet; thence North 39 degrees 48 minutes 48 seconds East 989.68 feet; thence North 18 degrees 31 minutes 09 seconds East 594.01 feet; thence North 13 degrees 16 minutes 28 seconds West 990.17 feet; thence North 22 degrees 40 minutes 08 seconds East 326.77 feet to the BEGINNING.

Sec. 2. Section 2 of Chapter 107 of the Private Laws of 1907 is hereby amended by adding at the end thereof a new sentence to read as follows: "The Board of Aldermen may adopt a resolution to increase the number of Aldermen from three to five, effective at the regular election next following such action; provided, however, that notice of such increase shall be included in the notice of the regular election at which the increase is to take effect."

Sec. 3. Section 2 of Chapter 187 of the Private Laws of 1931, as rewritten by Chapter 239 of the Private Laws of 1933, is hereby further rewritten to read as follows:

"Sec. 2. The Mayor of the Town of Boone shall receive for his services such salary as the Board of Aldermen may determine not in excess of two thousand four hundred dollars ($2,400.00) per annum. The Board of Aldermen may establish a salary for its members not in excess of three hundred dollars ($300.00) per annum; provided, that the Board may also pay not in excess of one hundred dollars ($100.00) per annum additional compensation to the Alderman who serves as Clerk."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1243 CHAPTER 989

AN ACT TO PROVIDE FOR VOLUNTARY ANNEXATION BY THE CITY OF RALEIGH OF AREAS, TERRITORIES OR SUBDIVISIONS NOT CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE CITY OF RALEIGH.

WHEREAS, Article 36 of Chapter 160 of the General Statutes of North Carolina contains no provision for the annexing of areas, territories or subdivisions not contiguous to the municipal boundaries of the City of Raleigh; and

WHEREAS, it would be in the interest of the public health, safety and welfare of the inhabitants of said city and would permit a more orderly growth of the municipal boundaries of said city to allow the annexation of noncontiguous areas, territories or subdivisions by petition of the property owners who desire that their property be annexed: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the owner or owners of any area, territory or subdivision within the boundaries of Wake County but not within the boundaries or extraterritorial jurisdiction of any other municipality, whose

property is not contiguous to the municipal boundaries of the City of Raleigh, may, by petition directed to the City Council of the City of Raleigh, request that the property described in the petition be annexed and made a part of the City of Raleigh as hereinafter set out; provided any property annexed as herein provided must be located at the closest point not more than three miles from the City of Raleigh municipal limits wherein is located and situated the City Hall.

Sec. 2. That said petition shall be directed to the City Council of the City of Raleigh and shall contain:

(1) The names of the owners of the real property for which a request to annex is made.

(2) A description of the area to be annexed by metes and bounds.

(3) The signatures of all property owners of the area, territory or subdivision requesting annexation.

In the case of annexing a subdivision under this Act, the petition must be signed by all owners of property within the subdivision; provided nothing herein shall be construed to authorize the annexation of a portion of a subdivision.

Upon receipt of the petition, the City Council of the City of Raleigh shall cause the clerk of the municipality to investigate the sufficiency thereof and to certify the results of his investigation.

Upon receipt of the certification and petition, the City Council shall fix dates for two public hearings on the question of annexation and shall cause notice of the public hearings to be published twice in a newspaper having general circulation in the municipality at least ten days prior to the date of the first public hearing, and published in like manner preceding the second public hearing. The second public hearing shall be held at least 20 days after the first public hearing. At such public hearings, all residents of Wake County opposing or favoring the annexation or alleging an error in the petition shall be given an opportunity to be heard. The City Council shall then determine whether the petition meets the requirements of this Act.

Upon further finding and determination by the City Council that:

(1) The public health, safety and welfare of the inhabitants of the City of Raleigh, as well as those of the area, territory or subdivision requesting such annexation, will best be served by such annexation, and

(2) The City of Raleigh will be able to provide the same services to the annexed area, territory or subdivision in the same manner in which other areas within the municipal boundaries of said city are served, the City Council of the City of Raleigh may adopt an ordinance annexing that area described in the petition; provided the ordinance annexing the area, territory or subdivision shall be passed at each meeting of the City Council where a public hearing is held as hereinbefore provided. From and after the effective date of said ordinance, which date shall not be less than 90 days from and after the final passage of said ordinance, unless an election is required as hereinafter provided, the area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Raleigh and shall be entitled to the same benefits and privileges of other parts of said city. The newly annexed area, terri-

tory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 3. The City Council of the City of Raleigh may make said annexation contingent on such conditions as it may desire in order to insure that the area, territory or subdivision proposed to be annexed will not received preferential treatment.

Sec. 4. The City Council in its discretion may charge in any noncontiguous area, territory or subdivision annexed water or sewer rates in excess of those charged within the municipal limits wherein is located the City Hall, and from time to time the council shall review the expenses related to any noncontiguous area to determine that said expenses are not in excess of taxes and revenues derived therefrom.

Sec. 5. If, before the effective date of an annexation as provided herein, a petition is filed by at least ten per cent (10%) of the qualified voters of the City of Raleigh requesting a referendum on the question of annexation of that property described in the petition, the City Council of the City of Raleigh shall submit the question of annexation to an election to be held as hereinafter provided or in the City Council's discretion said council may adopt an ordinance revoking its prior action and request for annexation. If the petition for annexation is not denied and a petition for a referendum is filed as provided herein, the City Council shall order the Board of Elections of Wake County to call an election to determine whether or not the proposed area, territory or subdivision shall be annexed to the City of Raleigh. Said order to the Board of Elections shall set forth that date on which the election shall be held but, in no event, shall said date be less than 60 days from the date of the adoption of the order.

Sec. 6. Such election shall be called by resolution or resolutions of the Wake County Board of Elections which shall:

(1) Describe the area, territory or subdivision petitioning to be annexed as set out in the order of said City Council.

(2) Provide that the matter of annexation shall be submitted to the vote of the qualified voters of the City of Raleigh.

(3) Designate the precincts and voting places for such election.

(4) Name the registrars and judges of such election.

(5) Make all other necessary provisions for the conducting and holding of such election, the canvassing of returns and the declaration of the results of such election.

Said resolution or resolutions of the Wake County Board of Elections shall be published in one or more newspapers of such county once a week for 30 days prior to the opening of the registration books. All the cost of holding such election shall be paid by the City of Raleigh. Except as herein provided, said election shall be held under the same statutes, rules and regulations as are applicable to other elections in the City of Raleigh.

Sec. 7. At such election, those qualified voters of the City of Raleigh who present themselves to the election officials at the respective voting places shall be furnished with ballots upon which shall be written or printed the words "for extension" and "against extension". If, at such election, the majority of votes cast shall be "for extension", then from and after the date of the declaration of the result of such election, the

area, territory or subdivision and its citizens shall be subject to all debts, laws, ordinances and regulations in force in said City of Raleigh and shall be entitled to the same benefits and privileges of other parts of said city. The newly elected area, territory or subdivision shall be subject to city taxes for the fiscal year following the effective date of annexation.

Sec. 8. Any ordinance adopted pursuant to this Act shall be subject to referendum only as herein provided, notwithstanding any laws or parts of laws to the contrary.

Sec. 9. Whenever the limits of the City of Raleigh are enlarged in accordance with the provisions of this Act, it shall be the duty of the Mayor of the City of Raleigh to cause an accurate map of the said area, territory or subdivision, newly annexed, together with a copy of the ordinance duly certified and the official results of the election, if conducted, to be recorded in the office of the Register of Deeds of Wake County and in the office of the Secretary of State of North Carolina.

Sec. 10. Any area, territory or subdivision annexed pursuant to this Act shall cease to be noncontiguous for all intents and purposes when and in the event said area shall touch the municipal limits of the City of Raleigh pursuant to the extension of the boundaries of said city pursuant to Article 36, Chapter 160, of the General Statutes of North Carolina.

Sec. 11. Any area, territory or subdivision annexed pursuant to this Act shall not be included in that area of the municipal boundaries used for determining any extraterritorial jurisdiction of the City of Raleigh and further shall not be considered within the municipal boundaries for the purposes of defining an area as contiguous to the city limits within the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina with reference to further annexation unless and until the area, territory or subdivision annexed pursuant hereto shall, by extension of the municipal boundaries pursuant to Article 36 of Chapter 160 of the General Statutes of North Carolina, touch and become a part of the municipal boundaries of the City of Raleigh wherein is located the City Hall. Any area, territory or subdivision annexed pursuant hereto may be included at only forty per cent (40%) of the normal rate for the purposes of population density or character of any larger area, territory or subdivision to be annexed at any time in the future pursuant to the provisions of Part 3 of Article 36 of Chapter 160 of the General Statutes of North Carolina.

Sec. 12. The total area of all noncontiguous portions of the city annexed pursuant to this Act shall at no time exceed ten per cent (10%) of the total area of the City of Raleigh wherein is located City Hall.

Sec. 13. This Act shall be supplemental and in addition to any other methods or procedure for annexation heretofore available or hereafter provided for the City of Raleigh.

Sec. 14. If any clause, sentence, paragraph, subsection, Section or any part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not effect, impair or invalidate the remainder of this Act but shall be confined in its operation to the part thereof directly involved in said judgment.

Sec. 15. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 16. This Act shall be in full force and effective from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1358 CHAPTER 990

AN ACT TO AMEND G. S. 115-51 RELATING TO SCHOOL FOOD SERVICES PROVIDED BY COUNTY AND CITY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. General Statute 115-51 as appears in the 1966 Replacement Volume 3A is hereby amended by rewriting paragraph two of the same to read as follows:

"All school food services shall be operated on a nonprofit basis, and any earnings therefrom over and above the cost of operation as defined herein shall be used to reduce the cost of food, to serve better food, or to provide free or reduced price lunches to indigent children and for no other purpose. The term, "cost of operation," shall be defined as actual cost incurred in the purchase and preparation of food, the salaries of all personnel directly engaged in providing food services, and the cost of non-food supplies as outlined under standards adopted by the State Board of Education. Personnel shall be defined as Food Service Supervisors or Directors, bookkeepers directly engaged in food service record keeping, and those persons directly involved in preparing and serving food. Provided that food service personnel shall be paid from the funds of food services only for services rendered in behalf of lunch room services. Any cost incurred in the provisions and maintenance of school food services over and beyond the "cost of operation" as defined in this Section shall be included in the budget request filed annually by County and City Boards of Education with Boards of County Commissioners. It shall not be mandatory that the provisions of G. S. 115-52 and 143-129 be complied with in the purchase of supplies and food for such school food services."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

H. B. 1379 CHAPTER 991

AN ACT TO FIX THE COMPENSATION OF THE MEMBERS OF THE BOARD OF EDUCATION OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The chairman of the County Board of Education of Northampton County shall receive as compensation for his services the sum of twenty-five dollars ($25.00) per day for each day he is engaged in

official business for the county, and the other members of the county board of education shall receive twenty dollars ($20.00) per day for each day they are engaged in official business for the county. In addition, the chairman and each member shall receive mileage at the rate now fixed by law for members of the Northampton County Board of Education.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1967.

S. B. 77

CHAPTER 992

AN ACT TO CREATE THE NORTH CAROLINA GOOD NEIGHBOR COUNCIL AND TO PRESCRIBE ITS ORGANIZATION AND FUNCTIONS.

The General Assembly of North Carolina do enact:

Section 1. North Carolina Good Neighbor Council Created; Membership; Chairman and Vice-Chairman. There is hereby created the North Carolina Good Neighbor Council, which shall be composed of a Chairman, a Vice-Chairman, and 18 members, all appointed by the Governor. The Council, for administrative and budget purposes, shall be a part of the Department of Administration. The Chairman, Vice-Chairman and all members shall serve at the pleasure of the Governor.

Any public officer appointed to the Council shall serve ex officio, in addition to his regular duties imposed by law.

Sec. 2. Duties of Council. It shall be the duty of the Council:

(1) to study problems in the area of human relations;

(2) to promote equality of opportunity for all citizens;

(3) to promote understanding, respect, and good will among all citizens;

(4) to provide channels of communication among the races;

(5) to encourage the employment of qualified people without regard to race;

(6) to encourage youth to become better trained and qualified for employment;

(7) to receive and expend gifts and grants from public and private donors;

(8) to enlist the cooperation and assistance of all State and local governmental officials in the attainment of the objectives of the Council;

(9) to assist local Good Neighbor Councils and bi-racial, human relations committees in promoting activities related to the functions of the Council enumerated above; and

(10) to make a biennial report of its activities to the Governor and the General Assembly.

Sec. 3. Duties of Chairman. The Chairman shall be the executive officer of the Council and shall execute all orders, rules and regulations adopted by the Council. If the Chairman temporarily is unable to discharge the duties of his office on account of illness, absence from the State, or

other cause, the Vice-Chairman shall exercise all authority of the Chairman except as restricted by resolution adopted by the Council. The Chairman, with the approval of the Governor, shall appoint, promote, demote, discharge, and prescribe the duties of all employees of the Council.

Sec. 4. Headquarters; Meetings; Other Officers. (a) The headquarters and main offices of the Council shall be located in Raleigh.

(b) The Council shall meet once each 90 days at such time and place as the Council or Chairman may prescribe. The Council may also hold special meetings at any time or place within the State on the call of the Chairman or the Governor. One half of the membership of the Council shall constitute a quorum for conduct of official business of the Council. The Chairman and Vice-Chairman shall be counted as member for the purpose of determining a quorum.

(c) The Council shall select a Recording Secretary from among its membership. The Secretary shall be responsible for keeping the minutes of all meetings, and the minutes shall at all times be open to public inspection.

(d) The Chairman and Vice-Chairman may appoint an Executive Committee and other necessary officers, subject to the approval of the Governor.

Sec. 5. Salaries; Allowances. (a) The salary of the Chairman shall be fixed by the Governor, subject to the approval of the Advisory Budget Commission. The salaries of all other personnel of the Council shall be fixed pursuant to the State Personnel Act.

(b) The Vice-Chairman and members shall receive while engaged in the discharge of their duties such per diem, subsistence, and travel allowances as are provided by G. S. 138-5 for members of State Boards and Commissions generally.

Sec. 6. Advisory Committee. The Governor may appoint an Advisory Committee to the Council. The members of the Advisory Committee shall serve at the pleasure of the Governor and shall receive no compensation.

Sec. 7. Transfer of Funds and Property. All unexpended appropriations made to and other assets of the organization formed by executive order of the Governor and known as the North Carolina Good Neighbor Council are hereby transferred to the Department of Administration for the use of the North Carolina Good Neighbor Council as herein created. All records, files, publications, and other papers belonging to the North Carolina Good Neighbor Council shall become the records, files, publications, and papers of the North Carolina Good Neighbor Council as herein created.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 108 **CHAPTER 993**

AN ACT TO PROVIDE FOR CIVIL ACTIONS REGARDING ILLEGITIMATE CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Chapter 49 of the General Statutes of North Carolina is amended by adding thereto the following Article:

"Article 3

"Civil Actions Regarding Illegitimate Children

"§ 49-14. Civil Action to Establish Paternity. (a) The paternity of a child born out of wedlock may be established by civil action. Such establishment of paternity shall not have the effect of legitimation.

"(b) Proof of paternity pursuant to this Section shall be beyond a reasonable doubt.

"(c) Such action for paternity may be commenced within one of the following periods:

(1) Three years next after the birth of the child; or

(2) Where the reputed father has acknowledged paternity of the child by payments for the support thereof within three years next after the birth of such child, three years from the date of the last payment whether such last payment was made within three years of the birth of such child or thereafter, but such action must be commenced before the child attains the age of 18 years.

"§ 49-15. Custody and Support of Illegitimate Children When Paternity Established. Upon and after the establishment of paternity of an illegitimate child pursuant to G. S. 49-14, the rights, duties, and obligations of the mother and the father so established, with regard to support and custody of the child, shall be the same, and may be determined and enforced in the same manner, as if the child were the legitimate child of such father and mother. When paternity has been established, the father becomes responsible for medical expenses incident to the pregnancy and the birth of the child.

"§ 49-16. Parties to Proceeding. Proceedings under this Article may be brought by:

"(1) The mother, the father, the child, or the personal representative of any of them, or

"(2) When the child, or the mother in case of medical expenses, is likely to become a public charge, the director of public welfare or such person as by law performs the duties of such official,

(a) in the county where the mother resides or is found,

(b) in the county where the putative father resides or is found, or

(c) in the county where the child resides or is found."

Sec. 2. G. S. 6-21, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by adding the following subdivision (10) to the first paragraph thereof:

"(10) In proceedings regarding illegitimate children under Article 3, Chapter 49 of the General Statutes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective October 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 409 CHAPTER 994

AN ACT TO CREATE THE NORTH CAROLINA CAPITAL BUILDING AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Creation of North Carolina Capital Building Authority. There is hereby created the North Carolina Capital Building Authority which shall consist of the following: a member of the Senate to be appointed by the Lieutenant Governor; a member of the House of Representatives to be appointed by the Speaker of the House; the Attorney General; the State Treasurer; the Director of the Department of Administration who shall serve as Chairman; and two members to be appointed by the Governor of North Carolina. The Governor shall serve as ex officio member. The Vice Chairman shall be elected at the first meeting of the Authority. The Director of the Department of Administration may designate a member of his department to serve as Secretary to the Authority. All appointed members shall serve for a period of two years or until their successor has been named.

Sec. 2. The minutes, records, plans and other documents of the North Carolina Capital Planning Commission shall be made available to the North Carolina Capital Building Authority.

Sec. 3. General Powers and Duties of the Authority. The North Carolina Capital Building Authority shall have the following powers and duties: (1) To select and employ architects, engineers, and other consultants in accordance with established State policy to plan and supervise the construction of buildings and other capital improvement projects in accordance with plans developed by the North Carolina Capital Planning Commission for those projects for which the North Carolina General Assembly may make appropriations; (2) The Department of Administration shall receive bids and with the approval of the North Carolina Capital Building Authority award the contracts for the construction of all such buildings and projects; (3) To submit an annual report of its activities to the North Carolina Capital Planning Commission; (4) To submit a report to the North Carolina Capital Planning Commission on completion of all major projects.

Sec. 4. Professional Service. The Authority may call upon the Department of Administration for technical and professional services as may be required to expedite the work of this Authority.

Sec. 5. Employees. The Director of the Department of Administration shall employ as directed by this Authority all persons as may be necessary to assist this Authority in the execution of its duties.

Sec. 6. Per Diem Allowance of the Authority. The members of the North Carolina Capital Building Authority shall receive for their services

the same per diem and allowances as are granted the members of State boards generally. Salaried officials and employees of the State of North Carolina will receive no per diem allowance.

Sec. 7. Expenses of the Authority. There is hereby appropriated out of the General Fund of the State the sum of five thousand dollars ($5,000.00) for each year of the biennium 1967-68 and 1968-69 to defray the expenses of the Authority. The Council of State may upon request of this Authority allot additional funds from the Contingency and Emergency Fund when in the opinion of the Governor and Council of State such additional funds are required for the operation of this Authority. Any funds remaining at the end of each biennium shall revert to the General Fund of the State.

Sec. 8. Duration of the Authority. The North Carolina Capital Building Authority shall continue until abolished by the General Assembly of North Carolina.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be effective upon and after July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 428 CHAPTER 995

AN ACT TO AMEND G. S. 20-64 OF THE MOTOR VEHICLE LAWS RELATING TO REFUND OF FEES FOR UNUSED REGISTRATION PLATES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (f) of G. S. 20-64, as the same appears in Volume 1C, 1965 Replacement, of the General Statutes of North Carolina, is amended by rewriting said subsection to read as follows:

"(f) Whenever the owner of a registered vehicle transfers or assigns his interest to another, such transferor may, by surrendering the registration plate to the Department, secure a refund of the unexpired portion of such plate on a monthly basis, beginning the first day of the month following surrender of the plate to the Department, provided, that the annual license fee for such surrendered plate is sixty dollars ($60.00) or more."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 555 **CHAPTER 996**

AN ACT TO CREATE A STATE DEPARTMENT OF CORRECTION AND TO PRESCRIBE ITS POWERS AND DUTIES; TO PROVIDE FOR THE TRANSFER TO SAID DEPARTMENT OF POWERS AND DUTIES VESTED IN THE STATE PRISON DEPARTMENT; TO ABOLISH THE STATE PRISON DEPARTMENT, THE STATE PRISON COMMISSION, AND THE OFFICE OF DIRECTOR OF PRISONS; TO REVISE GENERAL STATUTES RELATING TO PRISONER CLASSIFICATION, ALLOWANCES, HEALTH SERVICES, TREATMENT PROGRAMS, FACILITIES, INDETERMINATE SENTENCES, RECORDS; AND TO CONSOLIDATE AND REVISE GENERAL STATUTES RELATING TO YOUTHFUL OFFENDERS.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 148 of the General Statutes, as the same appears in the 1964 Replacement Volume 3C, is amended by rewriting the beginning thereof as follows:

"ARTICLE 1.

"Organization and Management.

"G. S. 148-1. State Department of Correction; Commission of Correction; Commissioner of Correction. (a) A State Department of Correction is hereby created. All powers and duties vested in and imposed upon the State Prison Department are transferred to the State Department of Correction. The State Prison Department, the State Prison Commission, and the office of Director of Prisons are abolished. The governing authorities of the State Department of Correction shall include a Commission of Correction and a Commissioner of Correction.

"(b) The Commission of Correction shall be composed of seven members appointed by the Governor, who shall designate one member to serve as chairman. Members of this Commission shall be deemed 'commissioners for special purposes' within the meaning of the language of Article 14, Section 7, of the Constitution of this State. The persons serving on the State Prison Commission immediately prior to the time this Act becomes effective shall serve as members of the Commission of Correction for the duration of the terms to which they were appointed to the State Prison Commission. Subsequent appointments to the Commission of Correction shall be made for a term of four years, except those made to fill out an unexpired term in case of the death, resignation, or removal of a member. A member may be reappointed. The Governor may remove any member for cause.

"(c) Members of the Commission of Correction who are not salaried officials or employees of the State shall receive such per diem and necessary traveling expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions generally. Members who are salaried officials or employees of the State shall not receive any per diem but shall receive their regular salary without deduction for loss of time while engaged in their duties as members of this Commission.

"(d) The Commission of Correction shall meet at least once in each ninety days, and may hold special meetings at any time and place within the State at the call of its chairman to adopt general policies, rules and regulations, and budgetary proposals of the State Department of Correction, and to advise with the Commissioner of Correction on matters pertaining to the administration of the Department. The Commission may appoint temporary or permanent advisory committees for such purposes as it may determine. The Commission shall keep minutes of all its meetings.

"(e) The executive head of the State Department of Correction shall be a Commissioner of Correction appointed by the Commission of Correction, subject to the approval of the Governor. The person serving as Director of Prisons immediately prior to the time this Act becomes effective shall serve as Commissioner of Correction for the duration of the term to which he was appointed Director of Prisons. Subsequent appointments to the office of Commissioner of Correction shall be made for a term of four years, except those made to fill out an unexpired term in case of the death, resignation, or removal of a Commissioner of Correction. A Commissioner may be reappointed. The Commission may remove the Commissioner, with the consent and approval of the Governor.

"(f) The salary of the Commissioner of Correction shall be set by the Governor subject to the approval of the Advisory Budget Commission. The compensation of other personnel of the State Department of Correction shall be determined by the Commissioner of Correction in conformity with the provisions of the Executive Budget Act and the State Personnel Act.

"(g) The Commissioner of Correction shall administer the affairs of the State Department of Correction in accordance with law and the general policies, rules and regulations duly adopted by the Commission of Correction. His authority and responsibilities shall include but not be limited to: (1) the appointment, promotion, discipline, demotion, suspension, and discharge of other officers and employees of the Department; (2) prescribing their duties and delegating to them appropriate powers; (3) providing programs for personnel recruitment, training and development to produce an able, resourceful and dependable State Correction Service."

Sec. 2. G. S. 148-12, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-12. Diagnostic and Classification Programs. (a) The Department of Correction shall, as soon as practicable, establish diagnostic centers to make social, medical, and psychological studies of persons committed to the Department. Full diagnostic studies shall be made before initial classification in cases where such studies have not been made.

"(b) Within the limits of its capacity, and in accordance with standards established by the Department, a diagnostic center may, at the request of any sentencing court, make a presentence diagnostic study of any person who has been convicted, is before the court for sentence, and is subject to commitment to the Department. Where necessary for this purpose, the defendant may be received in the center for such period of study as the court may authorize, but may not be held there for more than 60 days

unless the court grants an extension of time, which may be granted for an additional period not to exceed 30 days. The total time spent in the center shall not exceed 90 days or the maximum term of imprisonment authorized as punishment for the offense of which the person has been convicted if the maximum is less than 90 days. Time spent in the center for a diagnostic study shall be credited on any sentence of commitment imposed on the person studied. A copy of the diagnostic study report shall be made available to defense counsel before the court pronounces sentence. The defendant shall be afforded fair opportunity to controvert the contents of the report, if he so requests.

"(c) Any prisoner confined in the State prison system while under a sentence to imprisonment imposed upon conviction of a felony shall be classified and treated as a convicted felon even if, before beginning service of the felony sentence, such prisoner has time remaining to be served in the State prison system on a sentence or sentences imposed upon conviction of a misdemeanor or misdemeanors."

Sec. 3. G. S. 148-18, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-18. Wages, Allowances and Loans. (a) Prisoners may be compensated, at rates fixed by the Department's rules and regulations, for work performed and for attendance at training programs; provided, that no prisoner shall be paid more than one dollar ($1.00) per day. Prisoners who are unable to work because of injury, illness, or other incapacity may be compensated at rates fixed by the Department's rules and regulations. The Prison Enterprises Fund shall be the source for all of these wages and allowances, and they shall be subject to forfeiture for poor work or misbehavior under the Department's rules and regulations, with the forfeited amounts being redeposited in the Prison Enterprises Fund.

"(b) A prisoner shall be required to contribute to the support of any of his dependents residing in North Carolina who may be receiving public assistance during the period of commitment if funds available to the prisoner are adequate for such purpose. The dependency status and need shall be determined by the department of public welfare in the county of North Carolina in which such dependents reside.

"(c) The Department of Correction shall establish a revolving fund from inmate welfare funds available to the Department to be used for loans to prisoners and parolees in accordance with regulations approved by the Commission of Correction."

Sec. 4. G. S. 148-19, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-19. Health Services. (a) The general policies, rules and regulations of the Department of Correction shall prescribe standards for health services to prisoners, which shall include preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. A prisoner may be taken, when necessary, to a medical facility outside the State prison system. The Department of Correction shall seek the cooperation of public and private agencies, institutions, officials and individuals in the development of adequate health services to prisoners.

"(b) Upon request of the Commissioner of Correction, the Commissioner of Mental Health may detail personnel employed by the Department of Mental Health to the Department of Correction for the purpose of supervising and furnishing medical, psychiatric, psychological, dental, and other technical and scientific services to the Department of Correction. The compensation, allowances, and expenses of the personnel detailed under this Section may be paid from applicable appropriations to the Department of Mental Health, and reimbursed from applicable appropriations to the Department of Correction. The Commissioner of Correction may make similar arrangements with any other agency of State government able and willing to aid the Department of Correction to meet the needs of prisoners for health services.

"(c) Each prisoner committed to the State Department of Correction shall receive a physical and mental examination by a competent physician as soon as practicable after admission and before being assigned to work. The prisoner's work and other assignments shall be made with due regard for the report of the physician as to the prisoner's physical and mental condition."

Sec. 5. G. S. 148-22, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-22. Treatment Programs. (a) The general policies, rules and regulations of the Department of Correction shall provide for humane treatment of prisoners and for programs to effect their correction and return to the community as promptly as practicable. Visits and correspondence between prisoners and approved friends shall be authorized under reasonable conditions, and family members shall be permitted and encouraged to maintain close contact with the prisoners unless such contacts prove to be hurtful. Casework, counseling, and psychotherapy services provided to prisoners may be extended to include members of the prisoner's family if practicable and necessary to achieve the purposes of such programs. Education, library, recreation, and vocational training programs shall be developed so as to coordinate with corresponding services and opportunities which will be available to the prisoner when he is released. Programs for the treatment and training of mentally retarded prisoners and other special groups shall be established in segregated sections of facilities housing other prisoners or in separate facilities when this is practicable.

"(b) The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs designed to give persons committed to the Department opportunities for physical, mental and moral improvement. The Department may enter into agreements with other agencies of Federal, State, or local government and with private agencies to promote the most effective use of available resources."

Sec. 6. G. S. 148-24, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-24. Religious Services. The general policies, rules and regulations of the Department of Correction shall provide for religious services to be held in all units of the State prison system on Sunday and

at such other times as may be deemed appropriate. Attendance of prisoners at religious services shall be voluntary. The Commissioner of Correction shall if possible secure the visits of some minister at the prison hospitals to administer to the spiritual wants of the sick."

Sec. 7. G. S. 148-36, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-36. Commissioner of Correction to Control Classification and Operation of Prison Facilities. All facilities established or acquired by the State Department of Correction shall be under the administrative control and direction of the Commissioner of Correction, and operated under rules and regulations proposed by the Commissioner and adopted by the Commission of Correction as provided in G. S. 148-11. Subject to such rules and regulations, the Commissioner shall classify the facilities of the State prison system and develop a variety of programs so as to permit proper segregation and treatment of prisoners according to the nature of the offenses committed, the character and mental condition of the prisoners, and such other factors as should be considered in providing an individualized system of discipline, care, and correctional treatment of persons committed to the Department. The Commissioner of Correction, or his authorized representative, shall designate the places of confinement where sentences to imprisonment in the State's prison system shall be served. The Commissioner or his representative may designate any available facility appropriate for the individual in view of custodial and correctional considerations."

Sec. 8. G. S. 148-37, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-37. Additional Facilities Authorized; Contractual Arrangements. (a) Subject to the provisions of G. S. 143-341, the State Department of Correction may establish additional facilities for use by the Department, such facilities to be either of a permanent type of construction or of a temporary or movable type as the Department may find most advantageous to the particular needs, to the end that the prisoners under its supervision may be so distributed throughout the State as to facilitate individualization of treatment designed to prepare them for lawful living in the community where they are most likely to reside after their release from prison. For this purpose, the Department may purchase or lease sites and suitable lands adjacent thereto and erect necessary buildings thereon, or purchase or lease existing facilities, all within the limits of allotments as approved by the Budget Division of the Department of Administration.

"(b) The Commissioner of Correction may contract with the proper official of the United States or of any county or city of this State for the confinement of Federal prisoners after they have been sentenced, county, or city prisoners in facilities of the State prison system or for the confinement of State prisoners in Federal, county or city facilities located in North Carolina, when to do so would most economically and effectively promote the purposes served by the Department of Correction. Any contract made under the authority of this Section shall be for a period of not more than two years, and shall be renewable from time to time for a period not to exceed two years. Contracts for receiving Federal, county,

and city prisoners shall provide for reimbursing the State in full for all costs involved. The financial provisions shall have the approval of the Department of Administration before the contract is executed. Payments received under such contracts shall be deposited in the State treasury for the use of the State Department of Correction. Such payments are hereby appropriated to the State Department of Correction as a supplementary fund to compensate for the additional care and maintenance of such prisoners as are received under such contracts."

Sec. 9. G. S. 148-42, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-42. Indeterminate Sentences. The several judges of the superior court are authorized in their discretion in sentencing prisoners to imprisonment to commit the prisoner to the custody of the Commissioner of Correction for a minimum and maximum term. The maximum term imposed shall not exceed the limit otherwise prescribed by law for the offense of which the person is convicted. At any time after the prisoner has served the minimum term less earned allowances for good behavior, the Commissioner is authorized to discharge such person unconditionally or release him from confinement under conditions prescribed by the Commissioner. The conditions of release may be modified or the conditional release may be revoked by the Commissioner of Correction at any time during the period the person is committed to the Commissioner's custody, but the total time served in confinement and on conditional release shall not exceed the maximum term for which he was sentenced to the custody of the Commissioner of Correction. If a conditional release is revoked, the revocation order shall constitute authority for any prison, parole, or peace officer to arrest the prisoner without a warrant and return him to a facility of the State prison system. The Commissioner shall consult with the Board of Paroles on the exercise of his discretionary authority under this Section, and the Board is authorized to cooperate with the Commissioner in the implementation of agreed upon conditional release plans."

Sec. 10. Article 3A of Chapter 148 of the General Statutes, as the same appears in the 1964 Replacement Volume 3C, is rewritten to read as follows:

"ARTICLE 3A.

"Facilities and Programs for Youthful Offenders.

"G. S. 148-49.1. Purpose of Article. The purposes of this Article are to improve the chances of correction, rehabilitation and successful return to the community of youthful offenders sentenced to imprisonment by preventing, as far as practicable, their association during their terms of imprisonment with older and more experienced criminals, and by closer coordination of the activities of sentencing, training in custody, conditional release, and final discharge. It is the intent of this Article to provide the courts with an additional sentencing possibility to be used in the court's discretion for correctional punishment and treatment in cases where, in the opinion of the court, a youthful offender requires a period of imprisonment, but no longer than necessary for the Board of Paroles to determine that the offender is suitable for a return to freedom and is

ready for a period of supervised freedom as a step toward unconditional discharge and restoration of the rights of citizenship.

"G. S. 148-49.2. Definitions. As used in this Article, a 'youthful offender' is a person under the age of 21 at the time of conviction, and a 'committed youthful offender' is one committed to the custody of the Commissioner of Correction under the provisions of this Article. Inmates of the State prison system segregated as youthful offenders on July 31, 1967, under the provisions of Article 21 of Chapter 15 of the General Statutes of North Carolina, or who shall be so sentenced prior to August 1, 1967, but who begin to serve such sentences after that date, shall be extended the benefits of this Article as far as practicable and consistent with their sentences.

"G. S. 148-49.3. Presentence Diagnostic Studies. Upon conviction of a youthful offender of an offense punishable by imprisonment, the court may request the Department of Correction to make a presentence diagnostic study of the offender. Where necessary for this purpose, the Department may admit the offender to an appropriate diagnostic and classification center for such period of study as the court may authorize. Within such period as the court may grant, the Department shall report to the court its findings. The time a youthful offender spends confined for a presentence diagnostic study shall not exceed 90 days or the maximum term of imprisonment authorized as punishment for the offense of which the person has been convicted if the maximum is less than 90 days, and this time shall be credited on any sentence of commitment imposed on the offender. A copy of the diagnostic study report shall be made available to defense counsel before the court pronounces sentence. The defendant shall be afforded an opportunity to controvert the contents of the report, if he so requests.

"G. S. 148-49.4. Sentencing a Youthful Offender. When a youthful offender is convicted of an offense punishable by imprisonment, and the court does not suspend the imposition or execution of sentence and place the offender on probation, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youthful offender to the custody of the Commissioner of Correction for treatment and supervision pursuant to this Article until discharged at the expiration of the maximum term imposed or until conditionally released or unconditionally discharged by the Board of Paroles as provided in this Article. At the time of commitment the court shall fix a maximum term not to exceed the limit otherwise prescribed by law for the offense of which the person is convicted. When the maximum permitted penalty for the offense is imprisonment for one year or longer, the maximum term imposed shall not be for less than one year. If the court shall find that the youthful offender will not derive benefit from treatment and supervision pursuant to this Article, then the court may sentence the youthful offender under any other applicable penalty provision.

"G. S. 148-49.5. Classification Studies. Every committed youthful offender shall first be sent to a diagnostic and classification center for a complete study, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school

and family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency and criminal activities. All agencies of State and local government in North Carolina shall cooperate with the State Department of Correction in supplying or verifying information helpful for diagnosis, classification, and program planning for committed youthful offenders. A report of the findings and recommendations of the diagnostic and classification center shall be sent to the Commissioner of Correction and to the Board of Paroles.

"G. S. 148-49.6. Placement of Youthful Offenders. On receipt of the report and recommendations from the diagnostic and classification center, the Commissioner of Correction may (1) recommend to the Board of Paroles that the committed youthful offender be released conditionally under supervision, (2) order the committed youthful offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public. The Commissioner of Correction shall have authority to terminate the segregation and treatment as a committed youthful offender of any prisoner who, in the opinion of the Commissioner, exercises a bad influence upon his fellow prisoners, or fails to take proper advantage of the opportunities offered by such segregation and treatment.

"G. S. 148-49.7. Treatment of Youthful Offenders. (a) The Commissioner of Correction shall from time to time designate and adapt facilities under his control for treatment of committed youthful offenders, and such youthful offenders shall be segregated from other offenders, and classes of committed youthful offenders shall be segregated according to their needs for treatment, insofar as practical. The Commissioner of Correction shall, insofar as possible, provide personnel specially qualified by training, experience, and personality to operate facilities for committed youthful offenders.

"(b) The State Department of Mental Health is authorized to establish and construct on any property of the State under its supervision and control modern facilities where youthful offenders committed to the custody of the Commissioner of Correction may be sent for treatment, training, and work under rules and regulations jointly adopted by the State Department of Mental Health and the State Department of Correction. The plans, specifications and construction of such facilities shall meet the requirements of the Commissioner of Correction. The cost of the maintenance of committed youthful offenders assigned to such facilities by the Commissioner of Correction and employed in work for the benefit of the Department of Mental Health shall be borne by the State Department of Mental Health. The committed youthful offenders assigned to such facilities shall be under the care and supervision of agents and employees of the State Department of Correction or of agents and employees of the State Department of Mental Health as may be agreed upon by the two State agencies. The Department of Correction may provide, in cooperation with the Department of Mental Health, for the payment of wages to the committed youthful offenders for the work they do while assigned to such facilities.

"(c) Committed youthful offenders may be required to participate in vocational, educational and correctional training and activities. Appropriate use shall be made of other methods of treatment, including medical and psychiatric. The Commissioner of Correction may extend the limits of the place of confinement of a committed youthful offender as to whom there is reasonable cause to believe he will honor his trust, by authorizing him, under prescribed conditions, to leave the confines of that place unaccompanied by a custodial agent for a prescribed period of time for any purpose consistent with the public interest. Willful failure to remain within the extended limits of his confinement, or to return within the time prescribed to the place of confinement designated by the Commissioner of Correction, shall be deemed an escape from the custody of the Commissioner as provided in G. S. 148-45.

"(d) The Commissioner of Correction may contract with any appropriate public or private agency not under his control for treatment and training services to committed youthful offenders when this is the most economical or effective way to provide needed services.

"G. S. 148-49.8. Release of Youthful Offenders. (a) When, in the judgment of the Commissioner of Correction, a committed youthful offender is ready for conditional release under supervision, the Commissioner shall so report to the Board of Paroles with his recommendations. The Board of Paroles may at any time after reasonable notice to the Commissioner of Correction release conditionally under supervision a committed youthful offender.

"(b) A committed youthful offender shall be released conditionally under supervision on or before the expiration of four years from the date of his commitment and may be discharged unconditionally before the expiration of the maximum term imposed.

"(c) The Board of Paroles may revoke or modify any of its orders respecting a committed youthful offender except an order of unconditional discharge. Upon the unconditional discharge by the Board of Paroles of a committed youthful offender before the expiration of the maximum sentence imposed upon him, all rights of citizenship which he forfeited on conviction shall be automatically restored and the Board of Paroles shall issue to the youthful offender a certificate to that effect.

"G. S. 148-49.9. Supervision of Released Youthful Offenders. (a) Committed youthful offenders conditionally released shall be under the supervision of agents and employees of the Board of Paroles. The Board of Paroles is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors. The powers and duties of voluntary supervisory agents and sponsors shall be limited and defined by rules and regulations adopted by the Board of Paroles.

"(b) If, at any time before the unconditional discharge of a committed youthful offender, the Board of Paroles is of the opinion that such youthful offender will be benefited by further treatment in a facility for committed youthful offenders, any member of the Board may direct the offender's return to custody or, if necessary, may issue a warrant for the apprehension and return to custody of such youthful offender and cause such

warrant to be executed by a State parole officer or by any officer of the State Department of Correction, using the assistance of any law enforcement officer when necessary. Upon return to custody, such youthful offender shall be given an opportunity to appear before the Board of Paroles or a member thereof. The Board of Paroles may then or at its discretion revoke the order of conditional release."

Sec. 11. G. S. 148-64, as the same appears in the 1964 Replacement Volume 3C of the General Statutes, is rewritten to read as follows:

"G. S. 148-64. Cooperation of Prison and Parole Officials and Employees. The officials and employees of the Department of Correction and the Board of Paroles and its officers and employees shall at all times cooperate with and furnish each other such information and assistance as will promote the purposes of this Chapter and the purposes for which these agencies were established. The Board of Paroles and its staff shall have free access to all prisoners."

Sec. 12. Article 7 of Chapter 148 of the General Statutes, as the same appears in the 1964 Replacement Volume 3C, is amended by rewriting the title and G. S. 148-74, 148-76, 148-77, 148-78, and 148-80 to read as follows:

"ARTICLE 7.

"Records, Statistics, Research and Planning.

"G. S. 148-74. Records Section. Case records and related materials compiled for the use of the Commissioner of Correction and the Board of Paroles shall be maintained in a single central file system designed to minimize duplication and maximize effective use of such records and materials. When an individual is committed to the State prison system after a period on probation, the probation files on that individual shall be made a part of the combined files used by the Department of Correction and the Board of Paroles. The Director of Probation shall cooperate with the Commissioner of Correction and the Chairman of the Board of Paroles in joint efforts aimed at developing accurate and comprehensive case records on individual offenders. The administration of the Records Section shall be under the control and direction of the Director of Probation, the Commissioner of Correction, and the Chairman of the Board of Paroles.

"G. S. 148.76. Duties of Records Section. The Records Section shall maintain the combined case records and receive and collect fingerprints, photographs, and other information to assist in locating, identifying, and keeping records of criminals. The information collected shall be classified, compared, and made available to law enforcement agencies, courts, correctional agencies, or other officials requiring criminal identification, crime statistics, and other information respecting crimes and criminals.

"G. S. 148-77. Statistics, Research, and Planning. In order to facilitate regular improvement in the structure, administration, and programs of the Department of Corrections, there shall be established within the Department organizational units responsible for statistics, research, and planning. The Department of Correction may cooperate with and seek the cooperation of public and private agencies, institutions, officials, and individuals in the development and conduct of programs to compile and analyze statistics and to conduct research in criminology and correction.

"G. S. 148-78. Reports. The Commissioner of Correction may prepare and release reports on the work of the Department of Correction, including statistics and other data, accounts of research, and recommendations for legislation.

"G. S. 148-80. Seal of Records Section; Certification of Records. A seal shall be provided to be affixed to any paper, record, copy or form or true copy of any of the same in the files or records of the Records Section, and when so certified under seal by the duly appointed custodian, such record or copy shall be admitted as evidence in any court of the State."

Sec. 13. The words "State Department of Correction" or "Department of Correction" as the context may require shall be substituted for the words "State Prison Department" or "Prison Department" each time that the latter appear in G. S. 15-10.1, 15-200, 15-217, 65-4, 97-13(c), 130-114, 131-88, 143-134, 148-3, 148-4, 148-6, 148-7, 148-8, 148-10, 148-22.1, 148-23, 148-26, 148-27, 148-29, 148-30, 148-32, 148-33, 148-33.1, 148-40, 148-41, 148-45, 148-46.1, 148-59, 148-66, 148-67, 148-70, 153-189.1, and any other Sections of the General Statutes of North Carolina, except as otherwise provided in this Act.

Sec. 14. The words "Commission of Correction" shall be substituted for the words "State Prison Commission" or "Prison Commission" each time that the latter appear in G. S. 148-2 and 148-11, and any other Sections of the General Statutes of North Carolina, except as otherwise provided in this Act.

Sec. 15. The words "Commissioner of Correction" or "Commissioner" as the context may require shall be substituted for the words "Director of Prisons" or "Director" each time that the latter appear in G. S. 15-10.2, 15-10.3, 130-191.1, 148-4, 148-5, 148-11, 148-20, 148-25, 148-33, 148-41, 148-64, 153-189.1, and the words "Commissioner of Correction" shall be substituted for the words "Director of Prisons" each time the latter appear in any other Sections of the General Statutes of North Carolina, except as otherwise provided in this Act.

Sec. 16. The words "State Department of Correction" shall be substituted for the words "State Highway Commission" each time the latter words appear in G. S. 15-6.1.

Sec. 17. The following Sections of the General Statutes and all other laws and clauses of laws in conflict with this Act are hereby repealed: 15-210 through 15-216.

Sec. 18. This Act shall become effective August 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 557 **CHAPTER 997**

AN ACT TO PROVIDE FOR ADDITIONAL RESIDENT JUDGES IN THE TWELFTH, EIGHTEENTH, NINETEENTH, TWENTY-SIXTH AND TWENTY-EIGHTH JUDICIAL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the office of additional resident judge of each of the judicial districts designated as the twelfth, nineteenth and twenty-eighth, effective as of January 1, 1967.

Sec. 2. There is hereby created a second additional resident judgeship of the eighteenth and twenty-sixth judicial districts, effective as of January 1, 1967.

Sec. 3. The Governor shall appoint an additional resident judge for each of the twelfth, eighteenth, nineteenth, twenty-sixth, and twenty-eighth judicial districts, to take office July 1, 1967. The successors of the Governor's appointees shall be chosen in the manner prescribed by law for other Resident Superior Court Judges in the general election of 1968 to serve for the unexpired portion of the term of eight years which began as of January 1, 1967, and their successors shall be chosen thereafter in the manner and serve for terms as prescribed for other Resident Superior Court Judges.

Sec. 4. The present resident judges of the twelfth, nineteenth and twenty-eighth judicial districts shall be the senior resident judges of their respective districts.

Sec. 5. The additional resident judges of the twelfth, eighteenth, nineteenth, twenty-sixth, and twenty-eighth judicial districts shall, in respect to the exercise of judicial power, have equal jurisdiction, authority and status with the senior resident judges of such districts; but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy, or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the resident judge of the judicial district senior in point of continuous service on the Superior Court; and if two judges be of equal seniority, then by the judge who is senior in point of age.

Sec. 6. There is hereby appropriated for each year of the biennium 1967-69, one hundred seventeen thousand five hundred dollars ($117,500.00) for the purposes set forth in the preceding Section of this bill.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 560 **CHAPTER 998**

AN ACT TO AMEND GS 95-17, RELATING TO LIMITATION OF HOURS OF EMPLOYMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 95-17, as the same appears in the 1965 Supplement to Volume 2C of the General Statutes, is hereby amended by deleting the word "male" from line 16 of the sixth paragraph thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 650 **CHAPTER 999**

AN ACT RELATING TO THE TOWN CLERK IN THE TOWN OF SPEED, EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. It shall not be a necessary qualification for office that the Town Clerk of the Town of Speed in Edgecombe County shall reside within the corporate limits of the Town of Speed. The Board of Commissioners of the Town of Speed shall be authorized, in its discretion, to appoint to the office of Town Clerk such person not residing within the corporate limits.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 672 **CHAPTER 1000**

AN ACT AMENDING CHAPTER 737 OF THE 1965 SESSION LAWS RELATING TO ASSISTANCE TO VOTERS IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 737 of the 1965 Session Laws is amended by striking the word "registrar" appearing in line 9 thereof and substituting in lieu thereof the following: "Democratic or Republican Judge, in the voter's discretion,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 679 **CHAPTER 1001**

AN ACT TO AMEND G. S. 153-77 AND G. S. 153-80 OF THE COUNTY FINANCE ACT TO AUTHORIZE THE ISSUANCE OF BONDS FOR SANITARY LAND FILLS AND FOR VEHICLES AND EQUIPMENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-77 is hereby amended by adding thereto the following subdivisions to be appropriately numbered and to read as follows:

"Acquisition and preparation of land for use in the sanitary land fill method for disposal of garbage, refuse, and other waste, said fills to be accomplished by the county acting either singly or jointly in cooperation with one or more political subdivisions or governmental agencies, and said fills to be available for public purposes of the county when completed.

"Acquisition of vehicles, equipment, apparatus, or furnishings not included in other subdivisions of this Section, for use in any department of the county."

Sec. 2. G. S. 153-80 is hereby amended by adding thereto the following subdivisions to be appropriately numbered and to read as follows:

"Land for sanitary land fills, including site preparation, 20 years.

"Vehicles, equipment, apparatus, or furnishings not included in other subdivisions of this Section, 10 years."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 695 **CHAPTER 1002**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF McDOWELL COUNTY TO APPROPRIATE FROM TAX REVENUES SUCH FUNDS AS THEY MAY DEEM ADVISABLE TO ASSIST FINANCIALLY IN THE SUPPORT OF FARM SOIL AND WATER CONSERVATION WORK.

The General Assembly of North Carolina do enact:

Section 1. Subsection (35-3/4) of G. S. 153-9, as the same appears in the 1965 Supplement to 1964 Replacement Volume 3C of the General Statutes of North Carolina, is hereby amended by inserting the word "McDowell," immediately following the word "Lenoir", in line 16 of said Section.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 703 **CHAPTER 1003**

AN ACT TO AMEND G. S. 103-2 RELATING TO THE PROHIBITION OF HUNTING ON SUNDAY, SO AS TO MAKE SAID ACT INAPPLICABLE TO MILITARY RESERVATIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 103-2 is amended by adding at the end thereof the following:

"Provided, that the provisions hereof shall not be applicable to military reservations, the jurisdiction of which is exclusively in the Federal Government."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 156 **CHAPTER 1004**

AN ACT TO MAKE AN APPROPRIATION TO THE STATE BOARD OF EDUCATION TO PROVIDE FINANCIAL ASSISTANCE TO HOSPITAL PROGRAMS OF NURSING EDUCATION LEADING TO DIPLOMAS IN NURSING.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Board of Education from the General Fund of the State the sum of three hundred thousand dollars ($300,000.00) for the 1967-69 biennium to provide financial assistance to hospital programs of nursing education leading to diplomas in nursing. Any of these funds not expended by the Board during the fiscal year ending June 30, 1968, shall be available to the Board for expenditure for this purpose during the fiscal year ending June 30, 1969. To qualify for financial assistance under this Act a program must be conducted by an educational unit in nursing which is fully accredited by the North Carolina Board of Nursing and which is operated under the authority of a public or nonprofit hospital licensed by the North Carolina Medical Care Commission. The State Board of Education each year of the biennium shall distribute sums to eligible educational units in nursing or hospitals, upon their application for financial assistance, on the basis of one hundred dollars ($100.00) for each student duly enrolled in the program as of December 1 of the preceding year and on the condition that accreditation is maintained. The Board shall make such reasonable rules and regulations as are necessary to carry out the provisions of this Act and to insure that this financial assistance is used directly for faculty and instructional needs of diploma nursing programs and not for religious or other non-public purposes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 199 CHAPTER 1005

AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO REGULATE SANITARY ASPECTS OF HARVESTING, PROCESSING, AND HANDLING SCALLOPS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes is amended by redesignating Article 14B as Article 14C and inserting a new Article 14B to read as follows:

"ARTICLE 14B

"Sanitation of Scallops.

"§ 130-169.04. Board of Health to Make Regulations Relating to Sanitation of Scallops. The State Board of Health is authorized to make and enforce regulations concerning the sanitary aspects of the harvesting, processing, and handling of scallops. In the exercise of its regulatory powers, the State Board of Health may issue and revoke permits, regulate, prohibit, or restrict such activities relating to the sanitation of scallops as may be necessary, and in addition exercise all other powers granted within this Chapter with regard to dealings in scallops.

"§ 130-169.05. Agreements with Other Agencies. Nothing in this Article is intended to deprive the Department of Conservation and Development of its authority to regulate aspects of the harvesting, processing, and handling of scallops relating to conservation of the fisheries resources of the State. The State Board of Health and the Department of Conservation and Development are authorized to enter into an agreement respecting the duties and responsibilities of each agency as to the harvesting, processing, and handling of scallops.

"§ 130-169.06. Construction of Article. Nothing in this Article is intended to deprive the State Board of Health of any authority as may elsewhere have been granted as to sanitation generally or as to control of harvesting, processing, and handling of other foods."

Sec. 2. There is hereby appropriated from the General Fund to the State Board of Health the amount of twenty-three thousand four hundred and seventy-two dollars ($23,472.00) for the 1967-69 biennium, to be expended for the purpose of implementing this Act.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. All persons shall have four months to comply with regulations adopted by the Board of Health hereunder from and after the date upon which such regulations are first adopted. All persons beginning any activity subject to such regulations after such regulations are adopted shall immediately comply therewith.

Sec. 5. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 296 **CHAPTER 1006**

AN ACT TO AUTHORIZE STATE LOANS AND GRANTS TO CITIES, COUNTIES, AND PUBLIC AIRPORT AUTHORITIES FOR AIRPORT DEVELOPMENT AND MAINTENANCE AND DESIGNATING THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT TO ADMINISTER SAID ACT.

WHEREAS, the economic growth of North Carolina depends to a great extent on the development throughout the State of modern airports and airport facilities, and

WHEREAS, the State now receives as revenue from sales and other taxes on airplanes, aircraft parts, aviation gasoline and other aviation fuels, approximately five hundred thousand dollars ($500,000.00) each fiscal year: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Subchapter 1 of Chapter 113 of the General Statutes is hereby amended by inserting therein a new article, to be designated "Article 1B, Aviation.", which shall read as follows:

"Article 1B.

"Aviation.

"Sec. 113-28.5. Legislative Intent. It is the declared intention of the General Assembly to authorize, subject to the limitations and conditions of this article, the provision of State aid in the form of loans and grants to the cities, counties and public airport authorities of North Carolina for the purposes of planning, acquiring, constructing, or improving municipal, county or public authority airport facilities; and to authorize related programs of education, promotion and long-range planning of such facilities.

"Sec. 113-28.6. Designation of Administering Agency. The Department of Conservation and Development, Commerce and Industry Division, is hereby designated as the State agency to carry out the purposes of this article subject to the general supervisory powers of the Director and the Board of Conservation and Development of the Department. In exercising such powers the Department shall:

"(1) Prepare and develop standards, criteria, and policies for the most efficient and economical expenditure of such State funds as may be appropriated for purposes of this article; including consultation with the State Highway Commission, concerning road and runway construction.

"(2) Publish and make available to aviation interests, the Federal Aviation Agency, and the people of the State generally current information regarding such criteria, standards, and policies.

"(3) Prepare and keep current a State airport plan and submit annual revisions of that plan to the Federal Aviation Agency.

"(4) Make detailed and thorough study of all applications for State assistance authorized herein and make specific recommendations regarding each such application to the Board of Conservation and Development and to the Federal Aviation Agency.

"(5) Recommend annually, or more often if the Department deems necessary, a plan of priorities and allocations of State funds to the Board of Conservation and Development.

"(6) Represent the State before all federal agencies and elsewhere where the aviation interests of the State may be affected.

"(7) Subject to the availability of funds for the purpose, conduct such promotional, educational and other programs as may be necessary to keep the people of the State properly informed with respect to aviation, and to further aeronautics generally throughout the State.

"(8) In exercising the foregoing powers, the Department of Conservation and Development shall consult with and seek the advice of the committee known as 'The Governor's Aviation Committee'. Such committee shall consist of 11 members appointed by the Governor, who in making such appointments, shall designate one person from each of the Congressional Districts of the State. The Governor shall designate the Chairman. Six members shall be appointed to serve for terms of four years each, and five members shall be appointed to serve for terms of two years each. Thereafter, upon the expiration of their respective terms, the successors of said members shall be appointed for terms of four years each. At least four of these members, so appointed, shall possess a broad knowledge of aviation and airport development. All members appointed to the committee shall serve for the duration of their respective terms and until their successors are appointed and qualified. Any vacancy occurring in the membership of said committee because of death, resignation, or otherwise shall be filled by the Governor for the unexpired term of such member. Members of the committee shall meet twice each year and shall receive as compensation for their services seven dollars ($7.00) for each day actually engaged in the exercise of the duties of the committee and such travel expenses and subsistence allowances as are generally allowed other State Commissions and Boards.

"Sec. 113-28.7. Activities Eligible for State Aid. Loans and grants of State funds may be made for the planning, acquisition, construction, or improvement of any airport owned or controlled, or which will be owned and controlled, by any city, county or public airport authority acting by itself or jointly with any other city or county. An airport development project or activity eligible for State aid under this article shall also be deemed to include projects, such as air navigation facilities, aviation easements, and the acquisition of land, lighting, marking, or elimination of airport hazards.

"Sec. 113-28.8. Limitations on State Financial Aid. Grants and loans of funds authorized by this article shall be subject to the following conditions and limitations:

"(1) Loans and grants may be made for such projects, activities, or facilities as would be in general eligible for approval by the Federal Aviation Agency or its successor agency or agencies in administering the Federal Aid Airport Program and/or the National Airport Plan pursuant to the Federal Airport Act, Public Law 377, 79th Congress, approved May 13, 1946, as amended.

"(2) Loans and grants shall be limited to municipal, county and public authority airports which are, or which would be if constructed according

to plans approved by the Federal Aviation Agency, a general purpose non-carrier airport as defined by the Federal Aviation Agency.

"(3) Loans and grants of State funds shall be limited to a maximum of twenty-five percent (25%) of the total cost of any project for which aid is requested, and shall be made only for the purpose of supplementing such other funds, public or private, as may be available from federal or local sources.

"(4) All loans and grants of State funds made or authorized pursuant to this article shall be subject to the prior approval of the Board of Conservation and Development.

"Sec. 113-28.9. Sources of State Funds. State financial assistance under this article shall be limited to appropriations of funds made for the purpose by the General Assembly to the Department of Conservation and Development, or to private funds which may become available to the Department for such purpose.

"Sec. 113-28.10. Acceptance, Receipt, Accounting, and Expenditure of State and Federal Funds. All North Carolina municipalities, counties and public airport authorities are hereby authorized to accept, receive, receipt for, disburse and expend State funds, and other funds, public and private, which may be made available to them to accomplish any purpose of this Act. All federal funds accepted and expended by any municipality or county shall be accepted, accounted for, and expended according to such terms and conditions as may be prescribed by the United States and not inconsistent with State law. All State funds accepted by any municipality, county or public airport authority shall be accepted, accounted for, and expended according to such terms and conditions as may be prescribed by the State Department of Conservation and Development. Unless otherwise prescribed by the federal or State agency from which funds were made available, the chief financial officer of the municipality, county or public airport authority shall deposit all funds received and keep the same in separate funds according to the purpose for which they were received. The accounting of all such funds shall be subject to the municipal and county Fiscal Control Acts."

Sec. 2. There is hereby appropriated out of the General Fund, to the Department of Conservation and Development, in addition to all other sums appropriated to said Department, for the purpose of carrying out the provisions of this Act, the sum of two hundred and fifty thousand dollars ($250,000.00) for the fiscal year beginning on July 1, 1967 and ending June 30, 1968.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 310 **CHAPTER 1007**

AN ACT TO AMEND ARTICLE I OF CHAPTER 80 OF THE GENERAL STATUTES OF NORTH CAROLINA RELATING TO REGISTRATION AND PROTECTION OF TRADEMARKS.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 80 of the General Statutes of North Carolina is hereby amended by rewriting said article in its entirety to read as follows:

"Article 1.

"Trademark Registration Act.

"§ 80-1. Definitions.

"(A) The term 'trademark' as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

"(B) The term 'service mark' as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

"(C) The term 'mark' as used herein includes any trademark or service mark entitled to registration under this Act whether registered or not.

"(D) The term 'person' as used herein means any individual, firm, partnership, corporation, association, union or other organization.

"(E) The term 'applicant' as used herein embraces the person filing an application for registration of a trademark under this Act, his legal representatives, successors or assigns.

"(F) The term 'registrant' as used herein embraces the person to whom the registration of a trademark under this Act is issued, his legal representatives, successors or assigns.

"(G) For the purposes of this Act, a mark shall be deemed to be 'used' in this State (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and such goods are sold or otherwise distributed in the State, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this State.

"§ 80-2. Registrability. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it

(a) consists of or comprises immoral, deceptive or scandalous matter; or

(b) consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or

(c) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or

(d) consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or

(e) consists of a mark which (1) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods or services of the applicant, is primarily geographically descriptive or deceptively misdescriptive of them, or (3) is primarily merely a surname; provided, however, that nothing in this subsection (e) shall prevent the registration of a mark used in this State by the applicant which has become distinctive of the applicant's goods or services. The Secretary of State may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this State or elsewhere for the five years preceding the date of the filing of the application for registration; or

(f) consists of or comprises a mark which so resembles a mark registered in this State or a mark or trade name previously used in this State by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

"§ 80-3. Application for Registration. Subject to the limitations set forth in this Act, any person who uses a mark, or any person who controls the nature and quality of the goods or services in connection with which a mark is used by another, in this State may file in the office of the Secretary of State, on a form to be furnished by the Secretary of State, an application for registration of that mark setting forth, but not limited to, the following information:

(a) the name and business address of the person applying for such registration; and, if a corporation, the state of incorporation;

(b) the goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall;

(c) the date when the mark was first used anywhere and the date when it was first used in this State by the applicant, his predecessor in business or by another under such control of applicant; and

(d) a statement that the applicant is the owner of the mark and that no other person except as identified by applicant has the right to use such mark in this State either in the identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

"The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

"The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

"The application for registration shall be accompanied by a filing fee of ten dollars ($10.00), payable to the Secretary of State.

"§ 80-4. Certificate of Registration. Upon compliance by the applicant with the requirements of this Act, the Secretary of State shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the Secretary of State and the Seal of the State, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first

use of the mark anywhere and the date claimed for the first use of the mark in this State, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

"Any certificate of registration issued by the Secretary of State under the provisions hereof or a copy thereof duly certified by the Secretary of State shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this State.

"§ 80-5. Duration and Renewal. Registration of a mark hereunder shall be effective for a term of 10 years from the date of registration and shall be renewable for successive terms of 10 years upon application filed within six months prior to the expiration of any term. A renewal fee of ten dollars ($10.00), payable to the Secretary of State, shall accompany the application for renewal of the registration.

"The Secretary of State shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the 10 years from the date of registration, by writing to the last known address of the registrants.

"Any registration in force on the date on which this Act shall become effective shall expire 10 years from the date of the registration or of the last renewal thereof hereunder or two years after the effective date of this Act, whichever is later, and may be renewed by filing an application with the Secretary of State and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration. Until so expired, such registration shall be subject to and shall be entitled to the benefits of the provisions of this Act.

"All applications for renewals under this Act, whether of registrations made under this Act or of registrations effected under any prior Act, shall be filed with the Secretary of State on a form to be furnished by him specifying the information called for by Section 80-3 and shall include a statement that the mark is still in use in this State.

"The Secretary of State shall notify each registrant of marks under previous Acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this Act, by writing to the last known address of the registrants at least six months prior to the date of expiration thereof under the provisions of this Act.

"§ 80-6. Assignment. Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the Secretary of State upon the payment of a fee of ten dollars ($10.00) payable to the Secretary of State who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this Act shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the Secretary of State within three months after the date thereof or prior to such subsequent purchase.

"§ 80-7. Records. The Secretary of State shall keep for public examination all assignments recorded under Section 80-6 and a record of all marks registered or renewed under this Act.

"§ 80-8. Cancellation. The Secretary of State shall cancel from the register:

"(1) after two years from the effective date of this Act, all registrations under prior Acts which are more than 10 years old and not renewed in accordance with this Act;

"(2) any registration concerning which the Secretary of State shall receive a voluntary request for cancellation thereof from the registrant or the assignee of record;

"(3) all registrations granted under this Act and not renewed in accordance with the provisions hereof;

"(4) any registration concerning which a court of competent jurisdiction shall find

(a) that the registered mark has been abandoned or has become incapable of serving as a mark;

(b) that the registrant is not the owner of the mark;

(c) that the registration was granted improperly;

(d) that the registration was obtained fraudulently.

"(5) any registration when a court of competent jurisdiction shall order cancellation thereof.

"§ 80-9. Classification. The following general classes of goods and services are established for convenience of administration of this Act, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services for which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon or for which the mark is being used which fall within different classes of goods or services. The Secretary of State shall have the right to amend the classes herein established to conform the same to the classification established for the United States Patent Office as from time to time amended.

"The said classes are as follows:

"(a) Goods:

1. Raw or partly prepared materials.
2. Receptacles.
3. Baggage, animal equipments, portfolios, and pocketbooks.
4. Abrasives and polishing materials.
5. Adhesives.
6. Chemicals and chemical compositions.
7. Cordage.
8. Smokers' articles, not including tobacco products.
9. Explosives, firearms, equipments, and projectiles.
10. Fertilizers.
11. Inks and inking materials.
12. Construction materials.
13. Hardware and plumbing and steam-fitting supplies.
14. Metals and metal castings and forgings.
15. Oils and greases.

16. Protective and decorative coatings.
17. Tobacco products.
18. Medicines and pharmaceutical preparations.
19. Vehicles.
20. Linoleum and oiled cloth.
21. Electrical apparatus, machines, and supplies.
22. Games, toys, and sporting goods.
23. Cutlery, machinery, and tools, and parts thereof.
24. Laundry appliances and machines.
25. Locks and safes.
26. Measuring and scientific appliances.
27. Horological instruments.
28. Jewelry and precious-metal ware.
29. Brooms, brushes, and dusters.
30. Crockery, earthenware, and porcelain.
31. Filters and refrigerators.
32. Furniture and upholstery.
33. Glassware.
34. Heating, lighting, and ventilating apparatus.
35. Belting, hose, machinery packing, and non-metallic tires.
36. Musical instruments and supplies.
37. Paper and stationery.
38. Prints and publications.
39. Clothing.
40. Fancy goods, furnishings, and notions.
41. Canes, parasols, and umbrellas.
42. Knitted, netted and textile fabrics, and substitutes therefor.
43. Thread and yarn.
44. Dental, medical, and surgical appliances.
45. Soft drinks and carbonated waters.
46. Foods and ingredients of foods.
47. Wines.
48. Malt beverages and liquors.
49. Distilled alcoholic liquors.
50. Merchandise not otherwise classified.
51. Cosmetics and toilet preparations.
52. Detergents and soaps.

"(b) Services:

100. Miscellaneous.
101. Advertising and business.
102. Insurance and financial.
103. Construction and repair.
104. Communications.
105. Transportation and storage.
106. Material treatment.
107. Education and entertainment.

"§ 80-10. Fraudulent Registration. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the Secretary of State under the provisions hereof,

by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

"§ 80-11. Infringement. Subject to the provisions of Section 80-13, any person who shall

(a) use in this State without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this Act in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

(b) reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this State of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in Section 80-12, except that under subsection (b) hereof the registrant shall not be entitled to recover profits or damages or any penalty unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

"§ 80-12. Civil Remedies. Any owner of a mark registered under this Act may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed; and such court having granted any such injunction or ordered any such payment shall require the defendants to pay to said owner a penalty of not less than two hundred dollars ($200.00) and not more than one thousand dollars ($1,000.00) in addition to such other relief, provided that such court shall have found that said owner shall have registered his mark prior to the date said defendants shall have first used the infringing mark in this State.

The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this State.

"§ 80-13. Common Law Rights. Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

"§ 80-14. If any provision hereof, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act shall not be affected thereby."

Sec. 2. This Act shall not affect pending litigation.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and take effect on January 1, 1968.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 524 CHAPTER 1008

AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION FOR SCHOLARSHIPS FOR TRAINING TEACHERS OF MENTALLY RETARDED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Board of Education out of the General Fund of the State the sum of one hundred thousand dollars ($100,000.00) for the biennium commencing July 1, 1967, and ending June 30, 1969, to be added to the current fund for scholarship aid to students who wish to train for placement as teachers of mentally retarded children.

Sec. 2. Students may apply and shall be eligible for such scholarships who are residents of North Carolina enrolled for the school year in which such aid is requested in an accredited college or university in North Carolina as an undergraduate or graduate student. Such scholarships shall be given to freshmen and sophomores as well as juniors, seniors and graduate students. The State Board of Education shall promulgate such additional rules and regulations as may from time to time be necessary in administering the fund, including a provision that the student receiving such scholarship shall agree to remain in North Carolina and to teach in the education system of this State for a period equal to the period for which aid under this Act shall have been granted. The amount of scholarship aid to be repaid under the provisions of this Act may be reduced, in accordance with regulations of the State Board of Education, by the same amount per year of service as was granted per year in scholarship aid.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 545 CHAPTER 1009

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 65 OF THE GENERAL STATUTES RELATING TO PERPETUAL CARE CEMETERIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 65-18, as the same appears in the 1965 Replacement Volume 2C of the General Statutes, is rewritten to read as follows:

"This Article shall apply to all public cemeteries which may hereafter be established, which are privately owned and operated for private gain or

profit notwithstanding whether such public cemeteries advertise or offer perpetual care of grave space in connection therewith."

Sec. 2. G. S. 65-19(b) is amended by striking out the words and punctuation ", and who advertise or offer perpetual care of grave space in connection therewith." and by adding a period after the word "therein" in line 6 thereof.

Sec. 3. G. S. 65-22 is amended by striking out the words "five dollars" appearing in line 5 thereof, and in lieu thereof substituting the words "ten dollars", and by adding at the end thereof the words and punctuation ", except as provided in G. S. 65-27."

Sec. 4. G. S. 65-23 is amended by striking from the last paragraph thereof the word and punctuation "development,".

Sec. 5. G. S. 65-23.1 is amended by striking from the next to the last sentence thereof the word and punctuation "development,".

Sec. 6. G. S. 65-24 is amended by striking out the words "five dollars" appearing in line 1 thereof and substituting in lieu thereof the words "ten dollars".

Sec. 7. G. S. 65-24 is amended by striking out the word and punctuation "development," in the second sentence thereof.

Sec. 8. G. S. 65-25 is hereby repealed.

Sec. 9. G. S. 65-26 is rewritten to read as follows:

"(a) No corporation, association, partnership or individual shall, after the ratification of this Article, be permitted to establish or operate a public cemetery for private gain or profit without first having obtained a license therefor, as provided in this Article, and without providing for the perpetual care of such cemetery in accordance with the terms of this Article. Written application, duly verified under oath, must be filed with the North Carolina State Burial Association Commissioner and include the following information:

"(1) The name and principal address of the person or persons, partnership, association or corporation seeking to establish such cemetery.

"(2) The names and addresses of all individuals known or proposed to be members of such partnership or association or officers or directors of such corporation, or investors in the cemetery's financing.

"(3) The city or town, and the county in or near which the cemetery is to be located, and a clear description of the location of such proposed cemetery.

"(4) A description, by metes and bounds, of the acreage tract of such proposed cemetery, together with evidence, by title insurance policy or by certificate of an attorney at law, certifying that the applicant is the owner in fee simple of such tract of land, which must contain not less than 30 acres, and that the title is free and clear of all encumbrances. In counties with a population of less than 35,000 population according to the latest federal decennial census, the tract need be only 15 acres.

"(5) A perpetual care trust fund agreement, with an initial deposit of not less than fifteen thousand dollars ($15,000.00) and with bank cashier's check or certified check attached for such amount and payable to such trustee, with said trust executed by applicant and accepted by the trustee, conditionally only upon whether the application is approved.

"(6) Said application must also contain a plat of the cemetery showing the number and location of all lots which may then be actually surveyed and permanently staked for sale.

"(b) Upon receipt of said application and documents, the Commissioner shall set a date for a hearing upon said application, to be held in the Commissioner's office or in the county of the location of the proposed cemetery, as deemed for the public interest, in the Commissioners' discretion. At least 30 days' written notice of said hearing shall be given to the applicant. Also, notice of the time and place of said hearing shall be published on two successive weeks, the second of said notices being published at least 10 days prior to said hearing, in a newspaper in general circulation in the county in which said cemetery is proposed to be located. If there is no newspaper in general circulation in the county in which it is proposed the cemetery be located, notice of the time and place of said hearing shall be posted at the courthouse of the county of the proposed location and one other public place in said county at least 20 days prior to the time of said hearing. At such hearing opportunity to be heard shall be given to the applicant, to any other cemetery and to any other persons as to whether applicant has complied with all requirements of law. After such hearing if the Commissioner finds that the applicant has complied with all requirements of law, he shall issue an order approving said application, and if he finds such applicant has failed to comply with all requirements of law, he shall deny the application. In either case he shall send notice thereof and his reasons, to the applicant and a copy thereof to any other persons who may have filed written objection with the Commissioner to the approval of said application. Within 10 days after the Commissioner's mailing such notice of approval or non-approval of such application, the applicant or any other person affected by the decision may file notice of appeal from the Commissioner's ruling, to the Superior Court of the county in which the cemetery is to be located, said appeal notice to be filed with the Commissioner and also with the Clerk of Superior Court of said county. Except as herein otherwise provided, on any such appeal the judicial review of the Commissioner's ruling shall be as provided in Article 33 of Chapter 143 of the General Statutes. If the Commissioner's ruling is sustained by final court action in such judicial review, the costs of such appeal shall be taxed against the person who may have taken such appeal. If no such appeal is filed within such time, the Commissioner's order shall become final. If the final order approves the application, then: (a) the applicant shall cause all the land acreage described in the application to be dedicated permanently and irrevocably to cemetery purposes only (if not already so dedicated) by proper instrument, in form approved by the Commissioner, and registered in the land records of the county or counties where the land lies, and (b) when the Commissioner has received satisfactory evidence that the applicant and the tract of land still comply with the requirements of subparagraph (a) (4) including continued free and clear title, then the license shall be issued and the cemetery may be opened, and said initial perpetual care fund is to be in addition to the amount in dollars per grave space as required by law to be deposited in such fund. Said perpetual care fund and all additions

thereto shall be held and invested as required under Section 65-23 and any other provisions of Chapter 65. If approval of said application is not granted, the perpetual care trust document shall be promptly returned and the fifteen thousand dollars ($15,000.00) refunded to the applicant."

Sec. 10. G. S. 65-27 is rewritten to read as follows:

"When the amount deposited in the perpetual care fund required by G. S. 25-23 of any cemetery heretofore or hereafter established shall amount to one hundred thousand dollars ($100,000.00), anything in this Article to the contrary notwithstanding, the cemetery may make all deposits thereafter either into the original Perpetual Care Trust Fund or into Fund 'A', as described in Section 65-23.1 of this Article and invested as therein authorized, and said deposits shall be not less than five dollars ($5.00) per grave space."

Sec. 11. G. S. 65-28 is hereby repealed.

Sec. 12. G. S. 65-30 is amended by adding at the end thereof the following:

"All books and records of the cemetery shall be kept up to date and at the principal office of the cemetery. The books and records of the cemetery which relate to its obligations for making deposits into the Perpetual Care Fund or funds, and the condition of said trust funds and investments, shall be made available to the Commissioner or his authorized representative, during regular business hours.

"In the event any cemetery fails to maintain its books and records so as to reasonably, accurately and completely reflect the deposits and also the condition of said trust funds as referred to above, and fails to correct the same within 60 days after written demand by the Commissioner for such correction, then the Commissioner is authorized in his discretion to suspend said cemetery's license until such failure shall have been corrected."

Sec. 13. G. S. 65-31 is rewritten to read as follows:

"In addition to the penalties provided in G. S. 65-34, any cemetery, manager, owner, employee or agent thereof who wilfully violates any of the provisions of this Article shall be guilty of a misdemeanor and fined and imprisoned, or both, in the discretion of the court."

Sec. 14. G. S. 65-32 is amended by adding the following sentence at the end of said Section.

"No cemetery, manager, owner, employee or agent thereof, shall sell, offer for sale, advertise or do any overt act to sell grave space in a cemetery unless the cemetery shall have first obtained a license from the Commissioner."

Sec. 15. The following new Section is adopted as G. S. 65-34.1:

"G. S. 65-34.1. Legal Notice: Receiverships. In the event the Commissioner is unable to have legal notice or process served on any officer or general manager of a cemetery for the purpose of a hearing or legal action, then the Commissioner may obtain service of notice or process upon the Secretary of State, as provided under existing law, and shall have legal authority to petition the Superior Court for a receivership for such cemetery to protect the interest of the owners of burial rights in said cemetery and of all other persons having an interest in said cemetery. The receiver shall have such authority and take such actions as the court may direct.

"This Section shall be in addition to all other penalties and remedies under this Chapter."

Sec. 16. G. S. 65-36 is rewritten to read as follows:

"In order to meet the expenses of the supervision of the cemeteries herein provided for, the Burial Association Commissioner shall, annually, assess each cemetery operating under the terms of this Article the sum of sixty dollars ($60.00) plus an amount calculated in proportion to the number of grave spaces sold (as defined in this Article 7) in the preceding year so that the total assessments on all cemeteries, including the sixty dollar ($60.00) basic assessment, shall in the aggregate amount to twenty per centum (20%) of the total budget of the Burial Association Commissioner as approved by the Director of the Budget and the Advisory Budget Commission, not to exceed fourteen thousand dollars ($14,000.00). Said amount shall be deposited and commingled with all other funds coming into the hands of the Burial Association Commissioner and he may use said sum of money derived from this Section in the discharge of the duties delegated to him by the laws of North Carolina. The assessments provided for in this Section shall be due and payable on the first day of July, 1967, and on the first day of July of each and every year thereafter. If any cemetery shall fail or refuse to pay the said assessment to the Burial Association Commissioner within 30 days after the making of said assessment, then and in that event the said Burial Association Commissioner is hereby directed and empowered to cancel the license of such cemetery."

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 838 CHAPTER 1010

AN ACT TO AMEND ARTICLE 6 OF CHAPTER 156 OF THE GENERAL STATUTES RELATING TO DRAINAGE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 156 of the General Statutes is hereby amended by adding a new Section immediately following G. S. 156-81.1 to be designated G. S. 156-81.2, and to read as follows:

"G. S. 156-81.2. County Auditor or Accountant Serving as Treasurer. Upon recommendation of the Board of Commissioners of a Drainage District, the Clerk of the Superior Court of the County where said district was organized, shall order that the County Auditor or County Accountant of the County in which said district was organized, shall serve as Treasurer for the district until further ordered by said Clerk. When a County Auditor or County Accountant is appointed Treasurer for a Drainage District under the provisions of this Act, such funds that shall come into his hands belonging to said district shall be protected by the official bond that said County official shall execute in order to protect the County from his wrongful acts."

Sec. 2. This Act shall apply to Hyde County only.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 965 CHAPTER 1011

AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF AGRICULTURE TO INDEMNIFY FARMERS FOR THE DESTRUCTION OF SEED SWEET POTATOES IN THE SWEET POTATO WEEVIL ERADICATION PROGRAM.

WHEREAS, the sweet potato weevil has been found in Columbus and Robeson Counties in North Carolina and this pest is a threat to the sweet potato industry in North Carolina, being known as the most destructive insect to attack sweet potatoes; and

WHEREAS, in order to prevent the spread of and to control and eradicate the weevil in North Carolina, the North Carolina Board of Agriculture adopted a sweet potato weevil eradication program; and

WHEREAS, many North Carolina growers had to destroy infested seed in order to eradicate this pest: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina to the North Carolina Department of Agriculture, in addition to all other appropriations, the sum of twenty thousand dollars ($20,000.00) for the purpose of indemnifying sweet potato growers in North Carolina for seed potatoes destroyed in North Carolina to eradicate the sweet potato weevil.

Sec. 2. The Department of Agriculture shall make payments, not to exceed a payment of two dollars ($2.00) per bushel, to North Carolina farmers for those seed potatoes which were destroyed by said farmers under the present sweet potato weevil eradication program; provided that, the destruction of said seed potatoes shall first be verified by the North Carolina Commissioner of Agriculture.

Sec. 3. All funds herein appropriated not used for this purpose on or before January 1, 1968, shall be returned to the General Fund of the State.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 973 CHAPTER 1012

AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA STATE UNIVERSITY AT RALEIGH FOR STUDENT TRAINING IN BEEF PRODUCTION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated for the General Fund of North Carolina to North Carolina State University at Raleigh the sum of forty thousand dollars ($40,000.00) for the 1967-1969 biennium, to be used for student training in beef production, as follows:

104 Instruction and Departmental Research Animal Science	1967-1968	1968-1969
11021 Salaries. EPA Assistant Professor .2 $3,000	$ 3,000	$ 3,000
12000 Supplies and Materials	2,000	2,000
31000 Equipment	30,000	—0—
Total Academic Budget	$35,000	$ 5,000

All proceeds from the sale of cattle raised in the performance of this program, in excess of the amount necessary to continue the beef herd at its initial level, shall be placed in the General Fund of the State.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1217 CHAPTER 1013

AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE FOR ENFORCING LAWS RELATING TO THE SALE OF APPLES AND PEACHES.

WHEREAS, apple and peach growers of this State are interested in promoting and providing apples and peaches of the highest quality to the consuming public; and,

WHEREAS, apple and peach growers recognize the importance of all sales and receptacles of standardized products conforming to the requirements of such standards; and

WHEREAS, there are sufficient laws, rules, and regulations already in effect which require sales and receptacles of standardized products to conform to the requirements of such standards, but there is a lack of funds to enforce such laws, rules, and regulations; and

WHEREAS, it is in the best interest of the consuming public as well as apple and peach growers to be protected by adequate inspection to prevent misbranding, or mislabeling, or deception: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State to the North Carolina Department of Agriculture, in addition to all other appropriations, the sum of seventeen thousand dollars ($17,000.00) for the fiscal years beginning July 1, 1967, and ending June 30, 1969, for the purpose of enforcing the provisions of G. S. 106-188, G. S. 106-189 and G. S. 106-197 as they relate to apples and peaches.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1282 CHAPTER 1014

AN ACT TO APPROPRIATE FUNDS TO PAY OFFICE EXPENSES INCURRED BY THE CHAIRMAN OF THE ADVISORY BUDGET COMMISSION IN PERFORMANCE OF HIS OFFICIAL DUTIES.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of paying clerical assistance, postage, and other office expenses incurred by the Chairman of the Advisory Budget Commission in the performance of his official duties, there is hereby appropriated from the General Fund of the State to the Department of Administration the sum of five thousand dollars ($5,000.00) for the biennium 1967-1969.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1283 CHAPTER 1015

AN ACT TO PROVIDE REIMBURSEMENT FOR THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE FOR EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby enacted a new Section which shall be designated "§ 120-4" and shall read as follows:

"§ 120-4. Speaker and President Pro Tempore. For each day spent in the service of the State at times when the General Assembly is not in session, the Speaker of the House of Representatives and the President Pro Tempore of the Senate each shall be entitled to receive subsistence and travel allowances at the rates prescribed in § 138-5(b). The costs of clerical assistance, postage, and other office expenses incurred by the Speaker of the House of Representatives and the President Pro Tempore of the Senate in the performance of their official duties when the General

Assembly is not in session shall be a proper charge against the funds appropriated for the maintenance and operation of the Legislative Research Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1370 CHAPTER 1016

AN ACT TO AMEND CHAPTER 775, SESSION LAWS OF 1967, AS IT RELATES TO THE MARKING OF BALLOTS, SO AS TO MAKE IT APPLICABLE TO MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-151(c)2 of Chapter 775, Session Laws of 1967, is hereby amended by inserting the word "Martin" immediately after the word "Lenoir" therein.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1371 CHAPTER 1017

AN ACT TO AMEND CHAPTER 971 OF THE SESSION LAWS OF 1955, AS AMENDED, SO AS TO FIX THE SALARIES OF THE SOLICITORS OF THE MUNICIPAL-COUNTY COURT OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. Subsection (g) of Section 2 of Chapter 971 of the Session Laws of 1955, as amended by Section 4 of Chapter 683 of the Session Laws of 1965, is hereby amended by rewriting the last sentence thereof to read as follows: "The salary of the senior solicitor shall be eleven thousand dollars ($11,000.00) per year and the salary of each of the other solicitors shall be not less than nine thousand dollars ($9,000.00) nor more than ten thousand five hundred dollars ($10,500.00) per year, each payable in equal monthly installments."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1414 **CHAPTER 1018**

AN ACT TO AUTHORIZE THE PITT COUNTY BOARD OF EDUCATION TO CONSTRUCT A NEW GARAGE FACILITY.

The General Assembly of North Carolina do enact:

Section 1. The Pitt County Board of Education is hereby authorized to construct a new garage facility and related storage areas, the total cost not to exceed seventy-five thousand dollars ($75,000.00), out of any available funds which the County Board of Education may have on hand.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

H. B. 1416 **CHAPTER 1019**

AN ACT TO PERMIT THE TOWN OF TAYLORSVILLE AND ALEXANDER COUNTY TO PURCHASE A WATER SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Taylorsville in Alexander County and the County Board of Commissioners are hereby authorized and empowered to purchase the water system from the Alexander Water Corporation, either jointly or severally, and upon such terms and conditions as the Board of Commissioners and the Alexander County Board of Commissioners may deem proper for the best interest of the said town and Alexander County, for the purpose of assuring adequate water supply for the benefit of citizens of Taylorsville and Alexander County. If the said system is purchased jointly, the town and the county shall have full authority to contract with each other with regard to the purchase, operation, and maintenance of the water system.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of June, 1967.

S. B. 203 **CHAPTER 1020**

AN ACT TO ENACT THE INTERSTATE COMPACT FOR EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 115 of the General Statutes is hereby amended by adding thereto a new Article, which shall be designated as "Article 43", and which shall read as follows:

"Article 43

"Interstate Compact for Education

"Sec. 115-349. Enactment of Compact. The Compact for Education is hereby entered into and enacted into law, with all jurisdictions legally joining therein, in the form substantially as follows:

"COMPACT FOR EDUCATION

"Article I. Policy and Purpose.

"It is the purpose of this Compact to:

"(1) Establish and maintain close cooperation and understanding among executive, legislative, professional, educational and lay leadership on a nationwide basis at the State and local levels.

"(2) Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education.

"(3) Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

"(4) Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advances in educational opportunities, methods and facilities.

"(5) It is the policy of this Compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

"(6) The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because of the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

"Article II. State Defined.

"As used in this Compact, 'State' means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"Article III. The Commission.

"(1) The Education Commission of the States, hereinafter called 'the Commission,' is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the

Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a State agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

"(2) The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III (10).

"(3) The Commission shall have a seal.

"(4) The Commission shall elect annually, from among its members, a chairman, who shall be a Governor, a vice chairman and a treasurer. The Commission shall provide for the appointment of an Executive Director. Such Executive Director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The Executive Director shall be secretary.

"(5) Irrespective of the civil service, personnel or other merit system laws of any of the party States, the Executive Director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.

"(6) The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

"(7) The Commission may accept for any of its purposes and functions under this Compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (6) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

"(8) The Commission may establish and maintain such facilities as may be necessary for the transaction of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

"(9) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.

"(10) The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

"Article IV. Powers.

"In addition to authority conferred on the Commission by other provisions of the Compact, the Commission shall have authority to:

"(1) Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

"(2) Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

"(3) Develop proposals for adequate financing of education as a whole and at each of its many levels.

"(4) Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this Compact, utilizing fully the resources of national associations, regional Compact organizations for higher education, and other agencies and institutions, both public and private.

"(5) Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

"(6) Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this Compact.

"Article V. Cooperation with Federal Government.

"(1) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

"(2) The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

"Article VI. Committees.

"(1) To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of 32 members which, subject to the provisions of this Compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: 16 for one year and 16 for two years. The chairman, vice chairman, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.

"(2) The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States.

"(3) The Commission may establish such additional committees as its bylaws may provide.

"Article VII. Finance.

"(1) The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.

"(2) The total amount of appropriation requests under any budget shall be apportioned among the party States. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

"(3) The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III (7) of this Compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III (7) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.

"(4) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.

"(5) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.

"(6) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

"Article VIII. Eligible Parties; Entry Into and Withdrawal.

"(1) This Compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term 'Governor', as used in this Compact, shall mean the closest equivalent official of such jurisdiction.

"(2) Any State or other eligible jurisdiction may enter into this Compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

"(3) Adoption of the Compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this Compact through gubernatorial action, the Governor

shall appoint those persons who, in addition to himself, shall serve as the members of the Commission from his State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him.

"(4) Except for a withdrawal effective on December 31, 1967, in accordance with paragraph (3) of this Article, any party State may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

"Article IX. Construction and Severability.

"This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the Constitution of any State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the Constitution of any State participating therein, the Compact shall remain in full force and effect as to the State affected as to all severable matters.

"Sec. 115-350. Establishment of North Carolina Education Council. There is hereby established the North Carolina Education Council composed of the members of the Education Commission of the States representing this State, and not exceeding five other persons appointed by the Governor for terms of three years. Such other persons shall be selected so as to be broadly representative of professional and lay interests within this State having the responsibilities for, knowledge with respect to, and interest in educational matters. The Governor shall serve as Chairman of the North Carolina Education Council or any person that the Governor may designate shall serve as chairman. The Chairman of the State Board of Education, the State Superintendent of Public Instruction, the Chairman of the State Board of Higher Education, and the Director of Higher Education shall be ex officio members of the North Carolina Education Council. The Council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the Council shall meet not less than three times in each year. The Council may consider any and all matters relating to the recommendations of the Education Commission of the States and the activities of the members in representing this State thereon.

"Sec. 115-351. Filing Copy of Bylaws with Secretary of State. Pursuant to Article III (9) of the Compact, the Commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 658 CHAPTER 1021

AN ACT TO RE-ENACT CHAPTER 743 OF THE SESSION LAWS OF 1951 AS AMENDED BY CHAPTER 726 OF THE SESSION LAWS OF 1953 RELATING TO THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 743 of the Session Laws of 1951 as amended by Chapter 726 of the Session Laws of 1953 is hereby re-enacted into law together with said amendment of Chapter 726 of the Session Laws of 1953.

Sec. 2. Notwithstanding any other provision of laws the members of the Board of Education of Transylvania County shall be nominated and elected according to the provisions of Chapter 743 of the Session Laws of 1951 as amended by Chapter 726 of the Session Laws of 1953.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 662 CHAPTER 1022

AN ACT TO PROVIDE FOR FILLING VACANCIES ON THE BOARD OF COUNTY COMMISSIONERS OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 153-6, as the same appears in the 1965 Cumulative Supplement to Volume 3C of the General Statutes of North Carolina, is amended by inserting after the comma following the word "Graham" and before the word "Green" in line 7, the word "Granville".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 673 **CHAPTER 1023**

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF WAYNE COUNTY TO COMPENSATE CERTAIN OFFICERS FOR THE SERVICE OF CIVIL AND CRIMINAL PROCESS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Wayne County is hereby authorized to compensate the constables of Wayne County and special deputies employed by the Sheriff of Wayne County for service by them of all lawful civil and criminal process. Compensation shall be made from the general fund of the county, and shall not exceed the schedule of fees set forth in Chapter 7A of the General Statutes.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 680 **CHAPTER 1024**

AN ACT EXPRESSLY EXCLUDING THE TOWN OF ERWIN IN HARNETT COUNTY FROM THE PROVISIONS OF CHAPTER 903, SESSION LAWS OF 1957, AND APPLYING THE DISCOUNT AND PENALTY PROVISIONS OF SECTION 105-345 OF THE GENERAL STATUTES TO TAXES ASSESSED OR LEVIED BY SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The provisions of Chapter 903, Session Laws of 1957, shall not apply to taxes assessed or levied by the Town of Erwin in Harnett County.

Sec. 2. All of the provisions of Section 105-345 of the General Statutes relating to discount and penalty in payment or prepayment of taxes shall apply to all taxes assessed or levied in said Town of Erwin.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 80 **CHAPTER 1025**

AN ACT TO AMEND G. S. 105-141 (b) TO EXEMPT FROM TAXATION RETIREMENT BENEFITS RECEIVED BY CERTAIN RETIRED FEDERAL EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 105-141 is hereby amended by adding at the end thereof a new subdivision, to be numbered (12), and to read as follows:

"(12) Any amount, not to exceed one thousand two hundred dollars ($1,200.00) received during any year under a federal employee retirement

program to which the employee made contributions during his working years."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective with respect to income years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 462 CHAPTER 1026

AN ACT APPROPRIATING FUNDS TO THE ROANOKE ISLAND HISTORICAL ASSOCIATION FOR CAPITAL IMPROVEMENTS.

WHEREAS, the Roanoke Island Historical Association, Incorporated, was by Act of the 1945 General Assembly placed under the patronage and control of the State; and

WHEREAS, the Roanoke Island Historical Association, producer of The Lost Colony, desires to expand its service to the people of North Carolina, by establishing a training program in hand crafts, hobbies, drama, music and dance; and

WHEREAS, a suitable educational workshop building is needed to house this training program; and

WHEREAS, the National Park Service has granted permission for the construction of a building adjacent to the Waterside Theatre on Roanoke Island; Now, therefor,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Roanoke Island Historical Association, out of the General Fund of the State, the sum of fifteen thousand dollars ($15,000.00), said sum to be used by said Association for the construction of an educational workshop building adjacent to the Waterside Theatre on Roanoke Island.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 528 CHAPTER 1027

AN ACT TO PROVIDE FOR THE CONTINUANCE OF THE NORTH CAROLINA COMMISSION ON THE EDUCATION AND EMPLOYMENT OF WOMEN.

The General Assembly of North Carolina do enact:

Section 1. It is hereby declared to be the policy of the State of North Carolina to develop the most efficient utilization of the skills of all its citizens. To this end, it is appropriate that the State make provision for the continuing review of the education and employment of women in North Carolina in relation to current needs.

Sec. 2. The North Carolina Commission on the Education and Employment of Women, hereinafter called the Commission, shall continue its study, composed of seven members, all appointed by the Governor, with a wide range of interests. Four members shall be appointed for an initial term of one year, three members shall be appointed for an initial term of two years, all shall be appointed for two-year terms thereafter.

Sec. 3. The Commission shall elect a chairman and a vice chairman from among its members and adopt its own rules and regulations. A majority of its members shall constitute a quorum.

Sec. 4. The Commission shall meet, study, plan and advise with the Governor, the departments of the State, and the State Legislature and shall make such recommendations as it deems proper concerning the education and employment of women in the State of North Carolina.

Sec. 5. The Commission shall report its findings and recommendations to each Session of the General Assembly.

Sec. 6. Members of the Commission shall serve without compensation but they shall be paid the same subsistence and travel expenses as other State boards and commissions while engaged in the official performance of their duties, which subsistence and expense allowance shall be paid out of the State Contingency and Emergency Fund, but may not in any event exceed three thousand dollars ($3,000.00) total expenditure from said fund in any one year.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 904 CHAPTER 1028

AN ACT TO PROVIDE FOR THE CONTINUANCE OF THE NORTH CAROLINA ADVANCEMENT SCHOOL AND TO APPROPRIATE FUNDS FOR ITS OPERATION.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the State Board of Education the sum of five hundred thousand dollars ($500,000.00) for the fiscal year ending June 30, 1968, and the sum of five hundred thousand dollars ($500,000.00) for the fiscal year ending June 30, 1969, to be used for the operation of the North Carolina Advancement School at Winston-Salem.

Sec. 2. Chapter 115 of the General Statutes of North Carolina is hereby amended by adding a new subchapter at the end thereof to read as follows:

"SUBCHAPTER XII. EXPERIMENTATION AND RESEARCH.

"ARTICLE 43.

"North Carolina Advancement School

"115-349. Continuation of North Carolina Advancement School by the State Board of Education. The State Board of Education shall have the responsibility of operating the North Carolina Advancement School at

Winston-Salem as a continuing phase of and in conjunction with the public school system of North Carolina.

"115-350. Purpose of the North Carolina Advancement School. The purpose of the North Carolina Advancement School is to provide a facility wherein there shall be carried on experimentation and research into the causes of and remedies for under achievement in the public schools of North Carolina.

"115-351. Board of Governors. The State Board of Education shall appoint and maintain for the School a governing board to be known as 'The Board of Governors', which shall be composed of 10 citizens of the State, one of whom shall always be the Superintendent of the Forsyth County-Winston-Salem schools. Except for the Superintendent of the Forsyth County-Winston-Salem schools, the Board members shall serve for terms of not more than three consecutive years. The Board of Governors shall select from its membership annually a Chairman and Vice Chairman, and such Board shall meet at least four times each year upon the call of its Chairman. Members of the Board shall receive the same per diem and shall be reimbursed for their expenses in the same manner as other Boards and Commissions generally. The Director of the School shall serve as Secretary to the Board.

"115-352. Responsibilities of the Board of Governors. Subject to the general supervision of the State Board of Education, The Board of Governors shall have the responsibility for

"(a) Determining the policies which shall govern the administration and supervision of the school,

"(b) Observing and reviewing all phases of the School's operation, and

"(c) Reporting its findings and recommendations through the Superintendent of Public Instruction to the State Board of Education.

"115-353. State Board of Education to Appoint Director. The State Board of Education shall appoint a Director of the School who shall serve for such term, which may be indefinite, as the State Board shall determine.

"115-354. Responsibilities of the Director. In accordance with the policies of the Board of Governors, the Director shall have responsibility for

"(a) Administering and directing all the affairs of the School,

"(b) Recommending to the Board of Governors the number and types of positions required to staff the School,

"(c) Selecting and recommending to the Board of Governors all personnel, including consultants to be employed or assigned to the School,

"(d) The development and implementation of the curriculum of the School,

"(e) Developing procedures which will insure the continuous evaluation of all aspects of the School and its progress,

"(f) Recommending for approval of the Board of Governors any rental or lease agreements affecting the facility wherein the School is located,

"(g) Preparing and submitting to the State Board of Education through the Board of Governors the recommended budget for the operation of the School,

"(h) Developing procedures and techniques which will promote the articulation and coordination of the program of the School with that of the public schools throughout the State, and

"(i) Reporting periodically and systematically to the Board of Governors and the State Board of Education on the status of the School, and performing such other duties as the Board of Governors from time to time may find appropriate to his administrative position."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 908

CHAPTER 1029

AN ACT TO AMEND THE LAWS RELATING TO POSSESSORY LIENS ON PERSONAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. A new Chapter is inserted in the General Statutes, to read as follows:

"CHAPTER 44A

"Statutory Liens and Charges

"Article 1

"Possessory Liens on Personal Property

"G. S. 44A-1. Definitions. As used in this Article

(1) 'Legal possessor' means

a. Any person entrusted with possession of personal property by an owner thereof, or

b. Any person in possession of personal property and entitled thereto by operation of law.

(2) 'Lienor' means any person entitled to a lien under this Article.

(3) 'Owner' means

a. Any person having legal title to the property, or

b. A lessee of the person having legal title, or

c. A debtor entrusted with possession of the property by a secured party, or

d. A secured party entitled to possession, or

e. Any person entrusted with possession of the property by his employer or principal who is an owner under any of the above.

(4) 'Security interest' means any interest in personal property which interest is subject to the provisions of Article 9 of the Uniform Commercial Code, or any other interest intended to create security in real or personal property.

(5) 'Secured party' means a person holding a security interest.

"§ 44A-2. Persons Entitled to Lien on Personal Property. (a) Any person who alters, repairs, services, treats, or improves personal property in the ordinary course of his business pursuant to an express or implied

contract with an owner or legal possessor of the personal property has a lien upon the property. The amount of the lien shall be the lesser of

(1) The reasonable charges for the services and materials; or

(2) The contract price; or

(3) One hundred dollars ($100.00) if the lienor has dealt with a legal possessor who is not an owner.

This lien shall have priority over perfected and unperfected security interests.

"(b) Any person engaged in the business of operating a hotel, motel, or boarding house has a lien upon all baggage, vehicles and other personal property brought upon his premises by a guest or boarder who is an owner thereof to the extent of reasonable charges for the room, accommodations and other items or services furnished at the request of the guest or boarder. This lien shall not have priority over any security interest in the property which is perfected at the time the guest or boarder brings the property to said hotel, motel or boarding house.

"(c) Any person engaged in the business of boarding animals has a lien on the animals boarded for reasonable charges for such boarding which are contracted for with an owner or legal possessor of the animal and which become due and payable within 90 days preceding the mailing of notice of sale provided for in § 44A-4. This lien shall have priority over perfected and unperfected security interests.

"§ 44A-3. When Lien Arises and Terminates. Liens conferred under this Article arise only when the lienor acquires possession of the property and terminate and become unenforceable when the lienor voluntarily relinquishes the possession of the property upon which a lien might be claimed, or when an owner, his agent, a legal possessor or any other person having a security or other interest in the property tenders prior to sale the amount secured by the lien plus reasonable storage, boarding and other expenses incurred by the lienor. The reacquisition of possession of property voluntarily relinquished shall not reinstate the lien.

"§ 44A-4. Enforcement of Lien. (a) Enforcement by Sale. If the charges for which the lien is claimed under this Article remain unpaid or unsatisfied for 30 days following the maturity of the obligation to pay any such charges, the lienor may enforce the lien by public or private sale as provided in this Section.

"(b) Private Sale. Sale by private sale may be made in any manner that is commercially reasonable. Not less than 20 days prior to the date of the proposed private sale, the lienor shall cause notice to be mailed, as provided in subsection (e) hereof, to the person having legal title to the property, or if such person cannot be reasonably ascertained, to the person with whom the lienor dealt, and to each secured party or other person claiming an interest in the property, who is actually known to the lienor, by registered or certified mail. The lienor shall not purchase, directly or indirectly, the property at private sale and such a sale to the lienor shall be voidable.

"(c) Request for Public Sale. If an owner, any secured party, or other person claiming an interest in the property notifies the lienor, prior to the date upon or after which the sale by private sale is proposed to be made,

that public sale is requested, sale by private sale shall not be made. After request for public sale is received, notice of public sale must be given as if no notice of sale by private sale had been given.

"(d) Public Sale. (1) Not less than 20 days prior to sale by public sale the lienor

a. Shall cause notice to be mailed, as provided in subsection (e) hereof, to the person having legal title to the property, or if such person cannot be reasonably ascertained, the person with whom the lienor dealt, and to each secured party or other person claiming an interest in the property, who is actually known to the lienor, by registered or certified mail; and

b. Shall advertise the sale by posting a copy of the notice of sale at the courthouse door in the county where the sale is to be held and by publishing notice of sale once per week for two consecutive weeks in a newspaper of general circulation in the same county.

(2) A public sale must be held on a day other than Sunday and between the hours of 10:00 a.m. and 4:00 p.m.:

a. In any county where any part of the contract giving rise to the lien was performed, or

b. In the county where the obligation secured by the lien was contracted for.

(3) A lienor may purchase at public sale.

"(e) Notice of Sale. (1) The notice of sale shall include:

a. The name and address of the lienor.

b. The name of the person having legal title to the property, or if such person cannot be reasonably ascertained, the name of the person with whom the lienor dealt.

c. A description of the property.

d. The amount due for which the lien is claimed.

e. The place of the sale.

f. If a private sale the date upon or after which the sale is proposed to be made, or if a public sale the date and hour when the sale is to be held.

(2) Notice of sale required to be mailed shall be mailed to the address furnished to the lienor, or if no address has been furnished, to the last known address of the person entitled to the notice. If no address is known or reasonably ascertainable, it shall not be necessary to mail the notice.

"(f) Notice to Commissioner of Motor Vehicles. If the property upon which the lien is claimed is a motor vehicle that is required to be registered, the lienor shall send a copy of the notice of sale to the Commissioner of Motor Vehicles as required by G. S. 20-114(c).

"(g) Damages for Noncompliance. If the lienor fails to comply substantially with any of the provisions of this Section, the lienor shall be liable to the person having legal title to the property in the sum of one hundred dollars ($100.00), together with a reasonable attorney's fees as awarded by the court. Damages provided by this Section shall be in addition to actual damages to which any party is otherwise entitled.

"G. S. 44A-5. Proceeds of Sale. The proceeds of the sale shall be applied as follows:

(1) Payment of reasonable expenses incurred in connection with the sale. Expenses of sale include but are not limited to reasonable storage and boarding expenses after giving notice of sale.

(2) Payment of the obligation secured by the lien.

(3) Any surplus shall be paid to the person entitled thereto.

"G. S. 44A-6. Title of Purchaser. A purchaser for value at a properly conducted sale, and a purchaser for value without constructive notice of a defect in the sale who is not the lienor or an agent of the lienor, acquires title to the property free of any interests over which the lienor was entitled to priority."

Sec. 2. The following Articles and Sections of the General Statutes are hereby repealed:

Chapter 44, Article 3
Chapter 44, Article 5
Chapter 44, Article 6
Chapter 44, Article 7
Chapter 44, G. S. 44-2
Chapter 44, G. S. 44-3
Chapter 44, G. S. 44-4
Chapter 44, G. S. 44-5

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective at midnight, June 30, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 911 CHAPTER 1030

AN ACT TO MAKE APPROPRIATIONS TO THE DEPARTMENT OF MENTAL HEALTH FOR GRANTS-IN-AID TO PROVIDE DAY CARE AND RESIDENTIAL CARE FOR CERTAIN MENTALLY RETARDED CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the general fund of the State to the Department of Mental Health the sum of one hundred forty-eight thousand dollars ($148,000.00) for the fiscal year commencing July 1, 1967, and ending June 30, 1968, and the sum of two hundred forty thousand dollars ($240,000.00) for the fiscal year commencing July 1, 1968, and ending June 30, 1969, to be expended to provide a monthly grant-in-aid or subsidy of forty dollars ($40.00) per person to be paid to a day care facility for moderately or severely retarded children, and one hundred twenty dollars ($120.00) monthly per person for moderately or severely retarded children aged six years or less in a licensed nonprofit residential facility, not State supported. Said facilities shall be selected by the Department of Mental Health to provide more adequately for the mentally retarded in the community, and to encourage care for those persons near their families. The funds herein shall be administered through the Department of Mental Health to only State licensed day care facilities and residential facilities licensed by the Department of Mental Health.

Sec. 2. There is hereby appropriated out of the general fund of the State to the Department of Mental Health the sum of forty-one thousand four hundred twenty dollars ($41,420.00) for the fiscal year commencing July 1, 1967, and ending June 30, 1968, and the sum of forty-one thousand four hundred twenty dollars ($41,420.00) for the fiscal year commencing July 1, 1968, and ending June 30, 1969, to be expended for additional personnel to administer and supervise the grants-in-aid program.

	1967-68	1968-69
1 Social Work Supervisor II @ $8,424	$ 8,424	$ 8,424
1 Social Work Supervisor I @ $7,656	7,656	7,656
1 Nurse Supervisor I @ $4,980	4,980	4,980
1 Budget Officer I @ $8,424	8,424	8,424
1 Stenographer II @ $3,936	3,936	3,936
Travel Expense	8,000	8,000
	$41,420	$41,420

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 926 CHAPTER 1031

AN ACT TO AMEND G. S. 150-9 SO AS TO MAKE THE UNIFORM REVOCATION OF LICENSES ACT APPLICABLE TO THE NORTH CAROLINA REAL ESTATE LICENSING BOARD.

The General Assembly of North Carolina do enact:

Section 1. G. S. 150-9, as the same appears in the 1964 Replacement Volume 3C, is amended by adding the words and punctuation "the North Carolina Real Estate Licensing Board," following the comma and preceding the word "and" in the last line thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1045 CHAPTER 1032

AN ACT RELATING TO THE RESPONSIBILITY OF THE STATE BOARD OF EDUCATION AND THE OFFICE OF THE ATTORNEY GENERAL FOR DEFENSE OF STATE TORT CLAIMS RESULTING FROM SCHOOL BUS ACCIDENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-300.1 is hereby rewritten to read as follows:

"§ 143-300.1. Claims Against County and City Boards of Education for Accidents Involving School Buses or School Transportation Service

Vehicles. (a) The North Carolina Industrial Commission shall have jurisdiction to hear and determine tort claims against any county board of education or any city board of education, which claims arise as a result of any alleged negligent act or omission of the driver of a public school bus or school transportation service vehicle when the salary of such driver is paid from the State Nine Months School Fund who is an employee of the county or city administrative unit of which such board is the governing board, and which driver was at the time of such alleged negligent act or omission operating a public school bus or school transportation service vehicle in the course of his employment by such administrative unit or such board. The liability of such county or city board of education, the defenses which may be asserted against such claim by such board, the amount of damages which may be awarded to the claimant, and the procedure for filing, hearing and determining such claim, the right of appeal from such determination, the effect of such appeal, and the procedure for taking, hearing and determining such appeal shall be the same in all respects as is provided in this article with respect to tort claims against the State Board of Education except as hereinafter provided. Any claim filed against any county or city board of education pursuant to this Section shall state the name and address of such board, the name of the employee upon whose alleged negligent act or omission the claim is based, and all other information required by § 143-297 in the case of a claim against the State Board of Education. Immediately upon the docketing of a claim, the Industrial Commission shall forward one copy of the plaintiff's affidavit to the superintendent of the schools of the county or city administrative unit against the governing board of which such claim is made, one copy of the plaintiff's affidavit to the State Board of Education and one copy of the plaintiff's affidavit to the office of the Attorney General of North Carolina. All notices with respect to tort claims against any such county or city board of education shall be given to the superintendent of schools of the county or city administrative unit of which such board is a governing board, to the State Board of Education and also to the office of the Attorney General of North Carolina.

"(b) The Attorney General shall be charged with the duty of representing the city or county board of education in connection with claims asserted against them pursuant to this Section where the amount of the claim, in the opinion of the Attorney General, is of sufficient import to require and justify such appearance.

"(c) In the event that the Industrial Commission shall make any award of damages against any county or city board of education pursuant to this Section, such county or city board shall draw a requisition upon the State Board of Education for the amount required to pay such award. The State Board of Education shall honor such requisition to the extent that it shall then have in its hands, or subject to its control, available funds which have been or shall thereafter be appropriated by the General Assembly for the support of the nine months school term. It shall be the duty of the county or city board of education to apply all funds received by it from the State Board of Education pursuant to such requisition to the payment of such award. Neither the county or city board of education,

the county or city administrative unit, nor the tax levying authorities for the county or city administrative unit shall be liable for the payment of any award made pursuant to the provisions of this Section in excess of the amount paid upon such requisition by the State Board of Education. Settlement may be effected as provided in G. S. 143-295 with the approval of the State Board of Education, subject to the approval of the office of the Attorney General as counsel and to the approval of the North Carolina Industrial Commission.

"(d) Neither State Board of Education nor any other department, institution or agency of the State shall be liable for the payment of any tort claim arising out of the operation of any public school bus or for school transportation service vehicle, or for the payment of any award made pursuant to the provisions of this article on account of any such claim."

Sec. 2. There is hereby appropriated from the General Fund of the State of North Carolina, or from any other unencumbered funds or balances the sum of forty-three thousand and one hundred thirty-six dollars ($43,136.00) for the biennium 1967-69 for the purpose of providing funds for the State Board of Education to employ additional personnel to work as claims adjusters in connection with the settlement of claims herein described as follows:

	1967-68	1968-69
1. Salaries and Wages 2 Adjusters @ $8,424	$16,848	$16,848
2. Travel Expense	4,000	4,000
3. Merit Increments	—	840
4. Equipment	600	—
Total	$21,448	$21,688

Sec. 3. There is hereby appropriated from the General Fund of the State of North Carolina, or from any other unencumbered funds or balances the sum of twenty-eight thousand and eight hundred ninety dollars ($28,890.00) for the biennium 1967-69 for the purpose of providing funds for the office of the Attorney General in defraying the costs of handling the claims described herein as follows:

	1967-68	1968-69
1. Salaries and Wages		
Staff Attorney III	$ 8,028	$ 8,028
Stenographer III	4,536	4,536
2. Travel Expenses	1,000	1,000
3. Merit Increments	—	612
4. Equipment	900	—
5. Books	250	—
Total	$14,714	$14,176

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. The provisions of this Act shall be in full force and effect from and after July 1, 1967. Any claims now pending may be sent to the office

of the Attorney General for handling in the discretion of the city or county attorney presently handling such claim.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1051 CHAPTER 1033

AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF THE HOME OF GOVERNOR JOHN MOTLEY MOREHEAD, KNOWN AS "BLANDWOOD".

WHEREAS, John Motley Morehead who was Governor of North Carolina from 1841 to 1845, was one of North Carolina's great Governors, famed especially for his pioneering leadership in the industrial development of our State, and

WHEREAS, Governor Morehead's home, still standing in Greensboro, is one of North Carolina's most notable historical and architectural landmarks, having been designed by A. J. Davis, the most renowned American architect of his time, who in 1833 also designed the State Capitol of North Carolina, and

WHEREAS, the Morehead mansion with original grounds, comprising a city block in downtown Greensboro, is now the property of Guilford College, and the college has offered to sell the property at cost for preservation, and

WHEREAS, the John Motley Morehead Memorial Commission was established by Act of the General Assembly in 1959 for the purpose of preserving the Morehead mansion, and the Commission, enthusiastically assisted by the Greensboro Preservation Society, is ready to proceed with the project, and

WHEREAS, the cost of the project, including land purchase and development, is estimated at approximately one-half million dollars, the major part of which is expected to come from local and private sources, but initial aid is needed from the State, and

WHEREAS, the Morehead mansion in its present state is subject to vandalism and the hazard of destruction by fire and is rapidly deteriorating, so that an emergency situation exists which can be remedied only by immediate action to acquire and protect the property: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of the State of North Carolina to the Department of Archives and History, the sum of five thousand dollars ($5,000.00) to be used for the purchase of the home of John Motley Morehead in Greensboro, North Carolina known as "Blandwood", provided however, that said appropriation is expressly made conditional upon the said sum being matched by a like sum of money from non-state funds for said purpose, and if said matching funds have not become available by June 30, 1969, this appropriation shall revert to the General Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1078 CHAPTER 1034

AN ACT TO APPROPRIATE FUNDS FOR HISTORIC PRESERVATION IN THE TOWN OF MURFREESBORO.

WHEREAS, the General Assembly of 1967 has enacted a bill establishing the Historic Murfreesboro Commission; and

WHEREAS, in order to preserve adequately the heritage of this historic community, the aforesaid Historic Murfreesboro Commission will need an appropriation from the State of North Carolina; and

WHEREAS, there now exist within the aforesaid Town of Murfreesboro many buildings, dated back to an earlier, bygone period, that are now in need of restoration and preservation; and

WHEREAS, many individual citizens and groups of citizens of this historic community have donated generously of their own money, real property, personal property, and various historic relics for the purpose of historic preservation in the town: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the Department of Archives and History the sum of five thousand dollars ($5,000.00) to be matched by an equal amount from non-State sources for the purchase, restoration, repair, and preservation of historic buildings and sites in the Town of Murfreesboro.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1135 CHAPTER 1035

AN ACT APPROPRIATING FUNDS TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO IMPROVE THE MARKETABILITY OF AND INCREASE THE INCOME FROM COTTON PRODUCED IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated to the North Carolina Department of Agriculture, in addition to all other appropriations, out of the General Fund of the State the sum of five thousand dollars ($5,000.00) for the fiscal year beginning July 1, 1967, and ending June 30, 1968, and the sum of five thousand dollars ($5,000.00) for the fiscal year beginning July 1, 1968, and ending June 30, 1969.

Sec. 2. Said sums are to be used by the North Carolina Department of Agriculture, in cooperation with the North Carolina Cotton Quality Improvement Committee, for the purchase of materials, particularly tags and

placards, to increase the marketability of and the agricultural income from cotton produced in North Carolina.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1317

CHAPTER 1036

AN ACT TO PROVIDE FOR ADDITIONAL RESEARCH RELATING TO FRUITS AND VEGETABLES IN NORTH CAROLINA.

WHEREAS, North Carolina has a natural climate, land resources and location suitable for production of many fruit and vegetable species; and

WHEREAS, additional research on a broad basis is needed to further develop the fruit and vegetable program in North Carolina; and

WHEREAS, the benefits to our citizens will far outweigh the costs of research to place greater emphasis on fruits and vegetables in North Carolina; and

WHEREAS, the Governors of North Carolina and leaders of agriculture and industry have for many years expressed the need for expansion in this area of our economy; and

WHEREAS, attention has been given to this matter through proposed legislation in various fields for limited purposes, and through programs offered by the North Carolina Department of Agriculture and the North Carolina Agricultural Experiment Service; and

WHEREAS, there is needed an appropriation for these purposes: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the general fund of the State of North Carolina to the North Carolina Agricultural Experiment Station, and the North Carolina Agricultural Extension Service, where applicable for the purpose of this Act, the sum of two hundred and forty-six thousand dollars ($246,000) for the fiscal year ending June 30, 1968, and two hundred forty-eight thousand dollars ($248,000) for the fiscal year ending June 30, 1969, (and ensuing years) for the general purposes set forth in the preamble to this Act, and according to the schedule set forth for each fiscal year as follows:

NORTH CAROLINA AGRICULTURAL EXPERIMENT STATION

	1967-68	1968-69
1. Personnel		
a. Professional		
5 full-time faculty	$ 70,000	$ 70,000
4 research assistants	14,000	14,000
b. Sub-professional		
8 technicians	56,000	56,000
2. Equipment	52,000	28,000
3. Maintenance and Operations	40,000	66,400
Sub-total N. C. Agr. Exp. Sta.	$232,000	$234,400

NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE

1. Personnel		
a. Professional		
1 full-time faculty	$ 14,000	$ 14,000
Sub-total N. C. Agr. Extension Service	14,000	14,000
Grand Total	$246,000	$248,000

Sec. 2. The amount of professional personnel, equipment, maintenance and operation, is set forth in Section 1, and shall be used for the purpose of research during the 1967-69 biennium, with reference to blueberries, sweet potatoes, Irish-type potatoes, and cucumbers, within the general classifications of breeding new varieties, nutrition and fertilization, mechanical harvesting, and food processing. Within the division of the North Carolina Agricultural Experiment Station and the North Carolina Agricultural Extension Service, there shall be interdepartmental cooperation in all phases of the research activities as designated in this Act.

Sec. 3. Any funds appropriated pursuant to the purposes of this Act that shall be effective after July 1, 1969, shall be used for the broad purposes of fruit and vegetable research, as set forth in Section 2, but with respect to the vegetables designated therein, and any other fruits and vegetables that require additional research with respect to breeding new varieties, nutrition and fertilization, mechanical harvesting, and food processing, as approved by the Advisory Budget Commission.

Sec. 4. All expenditures made from the funds appropriated by this Act and for the purposes herein designated shall be accounted for and reported to the appropriate fiscal agencies of the State of North Carolina, for the purposes herein provided.

Sec. 5. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1322

CHAPTER 1037

AN ACT TO PROVIDE FOR ELECTIONS IN THE TOWNS OF JONESVILLE AND ARLINGTON ON THE CONSOLIDATION OF SAID TOWNS, AND SUBJECT TO SUCH ELECTIONS TO PROVIDE A CHARTER FOR THE TOWN OF JONESVILLE.

The General Assembly of North Carolina do enact:

Section 1. The governing bodies of the Towns of Jonesville and Arlington in Yadkin County are hereby authorized and directed to submit to the voters of each town at special elections to be held in each town on September 12, 1967, the question of consolidation of said towns into one city.

Each of said governing bodies shall give 30 days' notice of such special elections. Such notice shall be by publication in a newspaper or newspapers having general circulation in said towns and by posting thereof in three public places in each town.

No new registration will be required for the special elections. The existing registration for the existing Towns of Jonesville and Arlington shall be in effect, and voting shall be conducted at the existing polling places. The registration books shall be open for the registration of voters at 9:00 a.m. on the fourth Saturday before the special election and shall be closed at sunset on the second Saturday before the special election.

At such special elections, each voter shall be provided with a ballot on which shall be plainly printed the words "FOR CONSOLIDATION" and the words "AGAINST CONSOLIDATION", with appropriate squares so that each voter may by his cross (X) mark indicate his preference. A vote FOR CONSOLIDATION shall be and constitute a vote for the Town of Jonesville to assume the obligations, including outstanding indebtedness, of the Town of Jonesville and of the Town of Arlington.

Sec. 2. If the majority of the votes cast in either town voting separately shall be cast AGAINST CONSOLIDATION, then this Act shall have no force and effect.

Sec. 3. (a) If the majority of the votes cast in each town voting separately shall be cast FOR CONSOLIDATION, then the Charter of the Town of Jonesville as set forth in Section 4 of this Act, shall become effective at 12:00 o'clock noon, on the 20th day of September, 1967, and on said date and at said time the original Charters of the Towns of Jonesville and Arlington, together with all amendments thereto, shall be repealed and the Town of Jonesville shall succeed to the rights, duties, powers and obligations of the Towns of Jonesville and Arlington.

(b) In the event the results of the special elections hereinbefore provided for are FOR CONSOLIDATION, then the following provisions shall apply:

(1) The governing body of the new municipality, until the initial election hereinafter provided for, shall consist of the mayors and members of the governing bodies of the municipalities formerly existing within the corporate limits. The mayor of the governing body of the new municipality, until the initial election hereinafter provided for, shall be D. Phillip Wilkins, and the councilmen shall be as follows: Thomas L. Osborne, P. J. Barr, J. Marshall Adams, Leon H. Martin, Aubrey R. Martin, Sr., Wayne V. Moore, Harold C. Simmons, Enoch E. Templeton, Alvin C. Patterson, Sherman F. Morrison, and Albert M. Tilley; Albert M. Tilley shall serve as councilman and mayor pro tempore. The above-named mayor and councilmen shall serve from September 20, 1967, until noon of the first Wednesday in May, 1969, the date for swearing in the mayor and councilmen elected at the initial election hereinafter provided for. Each such member of the governing body of the new municipality until the initial election hereinafter provided for shall have one vote as a member of the governing body. The salary of the mayor and councilmen from September 20, 1967, until the first Wednesday in May, 1969, shall be as follows: Three hundred dollars ($300.00) per annum for the mayor; one hundred fifty dollars ($150.00) per annum for each councilman, except the salary for the councilman acting as mayor pro tempore shall be two hundred forty dollars ($240.00) per annum; the salary of the mayor from the first Wednesday of May, 1969, shall be six hundred dollars ($600.00) per annum

and shall remain such until changed as hereinafter provided by the Charter for the Town of Jonesville which shall come in effect at that time, or as by law provided. The salary for the councilmen shall be three hundred dollars ($300.00) each per annum effective the first Wednesday of May, 1969, and shall remain such until changed as hereinafter provided by the Charter of the Town of Jonesville effective that date or as by law provided.

(2) At its first meeting, the governing body of the Town of Jonesville shall adopt the ordinances of the Towns of Jonesville and Arlington as the ordinances for the government of the Town of Jonesville.

Any zoning ordinances of Jonesville or Arlington shall remain in full force and effect in the territory to which it applies on September 19, 1967, until changed, amended, supplemented or repealed by the governing body of the Town of Jonesville.

(c) In the event the results of the special elections hereinbefore provided for are FOR CONSOLIDATION, then the following provisions shall apply:

(1) All property, real and personal and mixed, including accounts receivable, belonging to the Town of Jonesville and the Town of Arlington shall vest in, belong to, and be the property of, the Town of Jonesville. The governing bodies of the Town of Jonesville and the Town of Arlington are hereby authorized and directed to take such actions and to execute such documents, including warranty deeds, as will carry into effect the provisions and the intent of this subsection;

(2) All judgments, liens, rights of liens, and causes of action of any nature in favor of the Town of Jonesville or of the Town of Arlington shall remain and inure to the benefit of the Town of Jonesville;

(3) All taxes, assessments, water or sewer charges, and other charges or fees, owing to the Town of Jonesville or to the Town of Arlington shall be owed to and collected by the Town of Jonesville;

(4) All actions, suits, and proceedings pending against, or having been instituted by, the Town of Jonesville or the Town of Arlington shall not be abated by this Act or by the consolidation herein provided for, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if consolidation had not occurred, and the Town of Jonesville shall be a party to all such actions, suits, and proceedings in the place and stead of the Town of Jonesville or the Town of Arlington, and shall pay or cause to be paid any judgments rendered against the Town of Jonesville or the Town of Arlington in any such actions, suits, or proceedings. No new process need be served in any such action, suit, or proceeding.

(5) All obligations of the Town of Jonesville and of the Town of Arlington, including outstanding indebtedness, shall be assumed by the Town of Jonesville, and all such obligations and outstanding indebtedness are hereby constituted obligations and indebtedness of the Town of Jonesville, and the full faith and credit of the Town of Jonesville shall be deemed to be pledged for the punctual payment of the principal and interest on all general obligation bonds and bond anticipation notes of the Town of Jonesville and the Town of Arlington. All of the taxable property

located within the former corporate limits of the former Town of Jonesville shall be and remain subject to taxation for the punctual payment of the principal and interest on all general obligation bonds and bond anticipation notes of the Town of Jonesville. All of the taxable property located within the former corporate limits of the former Town of Arlington shall be and remain subject to taxation for the punctual payment of the principal and interest on all general obligation bonds and bond anticipation notes of the Town of Arlington. All of the taxable property within the corporate limits of the Town of Jonesville shall be and remain subject to taxation for the punctual payment of the principal and interest on all general obligation bonds and bond anticipation notes of the Town of Jonesville and of the Town of Arlington.

(6) All franchises heretofore granted by the Town of Jonesville or by the Town of Arlington, respectively, and which are still in force, shall continue as valid franchises of the Town of Jonesville for the purposes granted within the area formerly comprising the corporate limits of the Town of Jonesville or the Town of Arlington, as the case may be, but shall not hereby be constituted valid franchises for any other portion of the corporate limits of the Town of Jonesville.

Sec. 4. The following shall be the Charter of the Town of Jonesville:

CHARTER OF THE TOWN OF JONESVILLE

ARTICLE I. GENERAL

Sec. 1.1. Incorporation. The inhabitants of the Town of Jonesville, within the boundaries established in this Charter or as hereafter lawfully established, shall be municipal body politic and corporate in perpetuity, under the name "Town of Jonesville".

Sec. 1.2. Corporate Limits. The boundaries of the town shall be as follows until lawfully changed: BEGINNING at the conflux of Sandy Berry Creek and Jonesville Creek South of N. C. Highway No. 67, up and with the base line running on the West side of Sandy Berry Creek the following bearings and distances: South 40 degrees 01 minute East 396.17 feet to a granite monument; South 28 degrees 36 minutes East 259.87 feet to an iron stake; South 29 degrees 58 minutes East 344.22 feet to an iron stake; South 28 degrees 04 minutes East 900.95 feet to an iron stake; South 01 degree 32 minutes West 83.88 feet to an iron stake; South 22 degrees 11 minutes East 643.60 feet to an iron stake; South 11 degrees 39 minutes East 446.25 feet to an iron stake; South 07 degrees 37 minutes East 392.28 feet to an iron stake; South 20 degrees 00 minutes East 439.49 feet to an iron stake; South 15 degrees 32 minutes East 188.64 feet to an iron stake; South 08 degrees 17 minutes East 134.38 feet to an iron stake; South 09 degrees 29 minutes West 225.50 feet to an iron stake; South 37 degrees 57 minutes West 285.60 feet to an iron stake; South 52 degrees 36 minutes West 190.27 feet to an iron stake; South 71 degrees 52 minutes West 184.92 feet to an iron stake; South 40 degrees 34 minutes West 209.80 feet to an iron stake; South 10 degrees 08 minutes West 137.73 feet to an iron stake; South 06 degrees 11 minutes East 128.36 feet to an iron stake; South 22 degrees 24 minutes West 187.00 feet to an iron stake; South 31 degrees 25 minutes West 229.50 feet to an iron stake;

South 45 degrees 34 minutes West 186.40 feet to an iron stake; South 00 degrees 57 minutes West 262.53 feet to an iron stake; South 15 degrees 19 minutes East 93.75 feet to an iron stake; South 05 degrees 28 minutes West 176.48 feet to an iron stake; South 03 degrees 41 minutes East 312.88 feet to an iron stake; South 27 degrees 50 minutes East 112.73 feet to an iron stake; South 30 degrees 46 minutes East 214.97 feet to an iron stake; South 00 degrees 38 minutes West 168.50 feet to a granite monument on top of the dam; South 07 degrees 04 minutes East 233.02 feet to a granite monument set under high tension power line; South 21 degrees 18 minutes East 535.30 feet to a p.k. nail in the center of the West end of the bridge on Center Road; thence a base line running the following bearings and distances with Center Road; North 57 degrees 45 minutes West 559.70 feet to a p.k. nail; North 32 degrees 59 minutes West 336.87 feet to a p.k. nail; North 70 degrees 54 minutes West 166.61 feet to a p.k. nail; South 65 degrees 01 minute West 256.90 feet to a p.k. nail; North 85 degrees 15 minutes West 249.78 feet to a p.k. nail; South 74 degrees 52 minutes West 392.68 feet to a p.k. nail set in the West edge of U. S. 21; North 89 degrees 30 minutes West 159.94 feet to an iron stake on the East side of the branch; thence running with the center of the branch the following bearings and distances: North 47 degrees 40 minutes West 151.64 feet to an iron stake; North 70 degrees 56 minutes West 160.40 feet to an iron stake; North 45 degrees 12 minutes West 221.65 feet to an iron stake; South 83 degrees 30 minutes West 267.32 feet to an iron stake; North 75 degrees 12 minutes West 330.55 feet to an iron stake; North 59 degrees 20 minutes West 188.28 feet to an iron stake; North 32 degrees 43 minutes West 112.32 feet to an iron stake; thence North 54 degrees 18 minutes West 301.13 feet to a bronze capped iron stake on the East side of Beaver Creek; North 50 degrees 00 minutes West 192.50 feet to an iron stake; North 39 degrees 00 minutes West 152.08 feet to an iron stake; North 44 degrees 43 minutes West 173.15 feet to an iron stake; North 14 degrees 03 minutes West 296.05 feet to an iron stake; North 44 degrees 45 minutes West 182.47 feet to an iron stake; North 14 degrees 21 minutes East 130.40 feet to an iron stake; North 39 degrees 36 minutes East 143.38 feet to an iron stake; North 17 degrees 34 minutes West 132.29 feet to an iron stake; North 21 degrees 40 minutes West 271.60 feet to a bronze capped iron stake; North 13 degrees 53 minutes West 548.32 feet to a bronze capped iron stake; North 07 degrees 34 minutes West 240.72 feet to a granite monument; North 11 degrees 48 minutes West 449.13 feet to a granite monument; North 21 degrees 55 minutes East 437.62 feet to an iron stake; North 03 degrees 57 minutes West 389.88 feet to a point on the bridge crossing Beaver Creek; thence with Beaver Street the following courses and distances: South 82 degrees 23 minutes West 127.36 feet; South 70 degrees 45 minutes West 165.60 feet; South 45 degrees 08 minutes West 188.12 feet; South 57 degrees 58 minutes West 334.98 feet; North 39 degrees 51 minutes West 443.70 feet; South 86 degrees 39 minutes West 631.10 feet to the center of Swaim Street Extension; thence South 47 degrees 44 minutes West 95.46 feet; thence South 67 degrees 48 minutes West 164.69 feet to the intersection of Swaim Street Extension and Wagoner Street, the southeast

corner of Lake View Development; thence with said development South 88 degrees 30 minutes West 716.20 feet to an iron pipe; thence North 26 degrees 03 minutes West 494.35 feet; thence North 15 degrees 15 minutes East 488 feet to an iron pin in the center of Cobb Creek; thence generally westwardly up the center of said Cobb Creek approximately 450 feet to the present southwest corner of the Jonesville corporate limits where a tributary enters said Cobb Creek; thence northwestwardly with the thread of said tributary approximately 940 feet to a point, said point being 473.44 feet due East of the Cedarbrook Road; thence in a straight line with the existing corporate limits due West 473.44 feet to the center of Cedarbrook Road; thence North 64 degrees 45 minutes West 133.78 feet; thence North 19 degrees 38 minutes West 974.55 feet; thence North 1 degree 24 minutes East 585.80 feet to Osborne Creek; thence with Osborne Creek the following courses and distances: North 33 degrees 46 minutes West 53.22 feet; North 43 degrees 24 minutes West 238.55 feet; North 31 degrees 06 minutes West 178.21 feet; North 19 degrees 14 minutes West 74.13 feet; North 25 degrees 52 minutes West 274.79 feet to the conflux of Osborne Creek and Boles Creek; thence with Boles Creek the following courses and distances: North 65 degrees 09 minutes East 157.76 feet; South 75 degrees 30 minutes East 290.85 feet; North 67 degrees 37 minutes East 201.95 feet; South 86 degrees 48 minutes East 113.81 feet; South 86 degrees 50 minutes East 100.18 feet; North 71 degrees 51 minutes East 104.23 feet; South 85 degrees 14 minutes East 314.10 feet; thence leaving said creek and running North 23 degrees 26 minutes East 836.81 feet to Shaw Street; thence North 12 degrees 35 minutes West 969.00 feet to an iron pipe; thence North 35 degrees 20 minutes East 1036 feet to the center of the Yadkin River; thence with the meanders of the center of the Yadkin River in a general eastwardly direction approximately 3,675 feet to a point in the center of said river directly North of an iron situated on the South bank of the Yadkin River; thence South 11 degrees 49 minutes East 500 feet; thence North 70 degrees 05 minutes East 1308.83 feet; thence North 87 degrees 56 minutes East 750 feet to the center of Jonesville Creek; thence with the center of said creek in a southeastwardly direction approximately 875 feet crossing N. C. Highway No. 67 to the conflux of Jonesville Creek and Sandy Berry Creek, the point of BEGINNING. The above description is taken from a map of the Town of Jonesville prepared by Moore, Gardner and Associates, Inc., Consulting Engineers of Asheboro, North Carolina, prepared in January of 1960, and from a map of the Town of Arlington prepared by Richard C. Current, Registered Land Surveyor, on March 1, 1965.

Sec. 1.3. Governing Body. The qualified voters of the town shall elect, in the manner prescribed in Article II of this Charter, a mayor and a town council of five members. The mayor and council shall constitute the governing body which shall have power to provide for the government of the town by such ordinances, bylaws, rules and regulations as may be deemed necessary, not inconsistent with the Constitution of North Carolina.

Sec. 1.4. Powers. The town shall have and may exercise all powers now and hereafter granted to municipal corporations in general and to the Town of Jonesville in particular by the Constitution and laws, both general

and special or local, of North Carolina. The following enumeration of powers shall not limit the foregoing sentence but shall constitute a part of the powers conferred:

(a) To levy and collect all taxes authorized by law to borrow money within the limitations of the Constitution and general law of the State; and to levy and collect special assessments for benefits conferred pursuant to general law.

(b) To furnish all local public services; to purchase, hire, construct, own and operate local public utilities within and without the corporate limits; and to grant local public utility franchises and regulate the exercise thereof.

(c) To organize and administer public libraries and recreational facilities, subject to the Constitution and laws of the State.

(d) To adopt and enforce local police, sanitary, fire, building, traffic and other like regulations not inconsistent with the Constitution and laws of the State.

ARTICLE II. ELECTIONS

Sec. 2.1. Regular Elections. There shall be a municipal election in the Town of Jonesville on the first Tuesday in May, 1969, and biennially thereafter. In each election, there shall be elected a mayor and council consisting of five members.

Sec. 2.2. Town Meeting; Notice. Not less than four nor more than six weeks preceding the date of each biennial municipal election there shall be held a town meeting at such date, time and place as the town governing body may designate. Notice of such meeting shall be published in a newspaper, which is published and circulated in the Town of Jonesville, once a week for four successive weeks preceding the week during which the town meeting shall be held. The period of time between the publication of the first notice and the publication of the fourth notice shall be at least 20 days excluding the days of the first and last publication.

Sec. 2.3. Nominations. At such town meeting all qualified voters of the Town of Jonesville shall be eligible to attend and participate in the town meeting at which the mayor shall preside until a chairman of the meeting is elected by the qualified voters present, then said chairman shall preside. At such meeting there shall be nominated one candidate for mayor, and there shall be nominated five candidates for the town council.

Sec. 2.4. The five councilmen and mayor shall be elected at large.

Sec. 2.5. Additional Candidates. Any qualified voter of the Town of Jonesville who is not nominated at the afore-described town meeting for mayor or town council may file notice of candidacy for office as mayor or town council by personally filing written notice with the town clerk not later than the fifteenth day preceding the date of the biennial municipal election. No filing fee shall be charged any candidate filing for mayor or town council.

Sec. 2.6. Ballots; Election of Mayor. The name of the person nominated for mayor at the town meeting and all persons filing notices of candidacy for mayor with the town clerk shall be placed on the ballot to be used in the biennial municipal election and the person receiving the highest number of votes for mayor shall be declared elected mayor.

Sec. 2.7. Ballots; Election of Councilmen. All of the candidates for the town council nominated at the town meeting and all persons who file notice of candidacy for the offices of the town councilmen shall be placed on the ballot to be used in the biennial municipal election. The five persons who receive the highest numbers of votes for town councilman shall be declared elected.

ARTICLE III. THE MAYOR

Sec. 3.1. Election, Term, Vacancy. The mayor shall be a resident of the town and shall be elected by the qualified voters of the town at large. No candidate for the office of mayor shall be a candidate for membership on the town council. The mayor shall be elected for a term of two years which shall begin at 12:00 o'clock noon, on the day following his election when he shall take the oath of office, and until his successor is duly elected and qualified. In case of a vacancy in the office of mayor, the members of the council shall choose his successor for the unexpired term.

Sec. 3.2. Powers and Duties. The mayor shall be the recognized head of the town government for all ceremonial purposes; by the courts for the serving of legal process; and by the Governor for purposes of martial law.

The mayor shall preside at meetings of the town council, and shall not vote on any question before the council except in case of a tie vote deadlocking a decision by the council, in which case the mayor shall cast the tie-breaking vote.

As the acknowledged leader of the corporate community and as presiding officer of the council, the mayor shall exercise the leadership inherent in his office in the formulation of policies and the initiation of programs for the benefit of the people, and shall have no regular administrative duties.

Sec. 3.3. Mayor Pro Tempore. In the event of absence or disability of the mayor, the member of the council appointed mayor pro tempore shall act as mayor during such absence or disability and shall have the same authority, exercise all powers, and perform such duties as are authorized or prescribed for the mayor.

ARTICLE IV. THE COUNCIL

Sec. 4.1. Election, Term, Vacancy. The town council shall consist of five members to be elected as hereinabove provided. The members of the council shall be elected for terms of two years, which shall begin at 12:00 o'clock noon on the day following their election when they shall take the oath of office, and until their successors are duly elected and qualified. Any seat on the town council which becomes vacant shall be filled by appointment of a qualified voter by a majority vote of the remaining members of the council.

Sec. 4.2. Powers and duties. All the legislative powers of the town shall be exercised by the council. Every member of the council shall have the right to vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance.

The council shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by

ordinance. All legislative sessions shall be open to the public, and every matter put to a vote shall be duly recorded. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified voter of the town. At its first meeting following an election, the council shall appoint one member to serve as mayor pro tempore.

The council may appoint a town manager to serve at the will of the council, and his duties shall be as prescribed in this Charter. The council shall also appoint a town clerk and a town attorney to serve at the will of the council, and whose duties may be prescribed by ordinance. If no town manager is appointed, then the town clerk shall be responsible for the powers and perform his duties as herein set forth in Article V.

The compensation of the mayor, manager, clerk, and attorney may be fixed by the council at any time. The compensation of the councilmen may be fixed by the council by an ordinance to become effective in the next succeeding term of office.

The council shall have authority to determine policies, enact ordinances and resolutions, establish programs for the benefit of the people, and shall have no regular administrative duties.

ARTICLE V. TOWN MANAGER

Sec. 5.1. Appointment. The town manager shall be appointed by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office. At the time of his appointment he need not be a resident of the town, but during his tenure of office he shall reside within the town.

Sec. 5.2. Powers and Duties. The town manager shall be the head of the administrative branch of the town government. He shall be responsible to the town council for the proper administration of all affairs of the town, and to that end, he shall:

(a) See that within the town the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed;

(b) Attend all meetings of the council and recommend for adoption such measures as he shall deem expedient;

(c) Make reports to the council from time to time upon the affairs of the town;

(d) Prepare the budget annually and submit it to the council and be responsible for its administration after adoption;

(e) Appoint and remove such town officers and employees as the council shall determine are necessary for the proper administration of the town; provided, he shall appoint and remove department heads subject to the approval of the council.

ARTICLE VI. MISCELLANEOUS

Sec. 6.1. Claims and Demands. All claims or demands against the Town of Jonesville arising in tort shall be presented to the town council in writing, signed by the claimant, his attorney or lawful agent, within 90 days after said claim or demand is due or the cause of action accrues; no suit or action thereon shall be brought within 10 days or after the expira-

tion of 12 months from the time said claim is so presented, and, unless the claim is so presented within 90 days after the cause of action accrued and unless suit is brought within 12 months thereafter, any action thereon shall be barred.

Sec. 5. Should any provision of this Act be declared by a court of competent jurisdiction to be invalid, such invalidity shall not be deemed to repeal or to render invalid any other provision hereof, and to that end the provisions of this Act are hereby declared to be severable.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 563

CHAPTER 1038

AN ACT TO PROVIDE FOR REGIONAL UNIVERSITIES.

The General Assembly of North Carolina do enact:

Section 1. There is enacted as a part of Chapter 116 of the General Statutes a new Article, which shall be designated "Article 1A" and shall read as follows:

"ARTICLE 1A

"Regional Universities.

"§ 116-44.10. Regional Universities. (a) There shall be, in addition to The University of North Carolina as provided for in Article 1 of this Chapter, one or more regional universities, which shall be so designated by or pursuant to this Article.

"(b) The primary purpose of each regional university shall be the preparation of young men and women as teachers, supervisors, and administrators for the public schools of North Carolina, including the preparation of such persons for the master's degree. Said institutions may also offer instruction in the liberal arts and sciences including the preparation for the master's degree, may conduct programs of research that will increase their abilities to carry out and enlarge their stated responsibilities, extend their influence and usefulness as far as possible to persons of the area provided by the institutions who are unable to avail themselves of their advantages as resident students, to extension courses, by lectures, and by such other means as may seem to them most effective, and such other programs as are deemed necessary to meet the needs of their constituencies and of the State and as shall be approved by the North Carolina Board of Higher Education, consistent with appropriations made therefor.

"(c) Each regional university shall have a board of trustees, president, and endowment fund which shall in all respects correspond to the board of trustees, president, and endowment fund as provided for in G. S. 116-46, with the substitution of the word 'university' for the word 'college' where appropriate.

"(d) The provisions of G. S. 116-46.2 shall apply to each regional university.

"(e) Upon the effective date of the re-designation of any college as a regional university by or pursuant to this Article:

"(1) The members of the board of trustees and the officers of the institution shall continue in office for the remainder of their unexpired terms;

"(2) All references to that institution in statutes, contracts, and other legal documents, are amended to incorporate the new name of the institution;

"(3) Title to all assets and the duties imposed by all obligations of the institution under its former name shall continue unimpaired as assets and obligations of the re-designated institution.

"§ 116-44.11. East Carolina University. Effective July 1, 1967:

"(1) East Carolina College is re-designated 'East Carolina University', subject to the provisions of § 116-44.10 as herein set forth.

"(2) The caption of Article 2 of Chapter 116 of the General Statutes, line one, and G. S. 116-45(1), lines 1 and 2, are amended by striking therefrom the words and punctuation ', East Carolina College,'.

"(3) G. S. 116-46.3 is amended by striking from lines 2 and 3 thereof the words and punctuation 'East Carolina College,'.

"(4) In all other statutes, the words 'East Carolina College' are amended to read 'East Carolina University'.

"§ 116-44.12. Appalachian State University. Effective July 1, 1967:

"(1) Appalachian State Teachers College is re-designated 'Appalachian State University', subject to the provisions of § 116-44.10 as herein set forth.

"(2) The caption of Article 2 of Chapter 116 of the General Statutes, lines 1 and 2, and G. S. § 116-45(1), line 2, are amended by striking therefrom the words 'Appalachian State Teachers College'.

"(3) G. S. § 116-46.3 is amended by striking from line 3 thereof the words and punctuation ', Appalachian State Teachers College,' and substituting in lieu thereof 'Appalachian State University'.

"(4) In all other statutes, the words 'Appalachian State Teachers College' are amended to read 'Appalachian State University'.

"§ 116-44.13. Western Carolina University. Effective July 1, 1967:

"(1) Western Carolina College is re-designated 'Western Carolina University', subject to the provisions of Section 116-44.10 as herein set forth.

"(2) The caption of Article 2 of Chapter 116 of the General Statutes, line 1, and G. S. § 116-45(1), line 1, are amended by striking therefrom the words and punctuation 'Western Carolina College,'.

"(3) G. S. § 116-46.3 is amended by striking from line four thereof the words and punctuation 'Western Carolina College' and substituting in lieu thereof 'Western Carolina University'.

"(4) In all other statutes, the words 'Western Carolina College' are amended to read 'Western Carolina University'.

"§ 116-44.14. North Carolina Agricultural and Technical State University. Effective July 1, 1967:

"(1) Agricultural and Technical College of North Carolina is re-designated 'North Carolina Agricultural and Technical State University', subject to the provision of § 116-44.10 as herein set forth.

"(2) G. S. § 116-46.3 is amended by adding after the words 'North Carolina College in Durham' in line 5 of said Section the words 'North Carolina Agricultural and Technical State University,'.

"(3) In all other statutes and captions thereof, the words "Agricultural and Technical College of North Carolina' are amended to read 'North Carolina Agricultural and Technical State University'.

"§ 116-44.15. Designation of Additional Regional Universities. The Board of trustees of any college that operates under the provisions of Article 2 of this Chapter and that for at least 10 years has been authorized to grant the master's degree, and is also subject to the provisions of G. S. 116-46.3, may apply to the Board of Higher Education, requesting the re-designation of that college as a regional university pursuant to this Act. After making such study as it may find necessary, the Board of Higher Education shall make a report to the next regular Session of the General Assembly, setting forth its findings and recommendations on the requested re-designation. The General Assembly thereupon shall make such disposition of the matter as it shall deem appropriate; provided, however, that this Section shall not prevent any college designated under Article 2 of this Chapter from applying for any program of affiliation, change in status or other reorganization program, not inconsistent with the provisions of this Act.

"§ 116-44.16. Future Policy With Respect to Regional Universities. Not later than July 1, 1972, the State Board of Higher Education pursuant to this Article shall study the effectiveness of the Regional Universities and their proper future role and status in the State System of Public Higher Education, and shall make a report to the General Assembly setting forth its findings and recommendations on that subject. The study shall include, but not be limited to, consideration of the continuation of the existing arrangements, the establishment of a single board of trustees for all regional universities, and the conversion of one or more of the regional universities into campuses of the University of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. Except as otherwise specified in this Act, this Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 587 CHAPTER 1039

AN ACT TO REQUIRE PAYMENT OF REGISTRATION FEES FOR THE REGISTRATION OF INTERSTATE VEHICLES OPERATING INTO, FROM, WITHIN, OR THROUGH NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-300 is hereby amended by adding a new subsection (a) (12) at the end of subsection (a) thereof to read as follows:

"(12) Twenty-five dollars ($25.00) for the filing with the Commission of the interstate motor carrier operating authority of every motor carrier operating into, from, within, or through North Carolina and filed with the

Commission under the provisions of G. S. 62-266, and five dollars ($5.00) for filing all subsequent amendments thereto to maintain said filing in a current status."

Sec. 2. G. S. 62-300 is hereby amended by adding a new subsection (a) (13) at the end of subsection (a) thereof to read as follows:

"(13) One dollars ($1.00) for the registration with the Commission of each motor vehicle operated into, from, within or through North Carolina by interstate carriers and registered with the Commission under the provisions of G. S. 62-266, and a fee of twenty-five cents (25¢) for the annual re-registration of each such motor vehicle."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after November 15, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 716 CHAPTER 1040

AN ACT TO AMEND ARTICLE 4 OF CHAPTER 116 OF THE GENERAL STATUTES OF NORTH CAROLINA TO MAKE THE PROVISIONS OF ARTICLE 21 OF SAID CHAPTER APPLICABLE TO THE NORTH CAROLINA SCHOOL OF THE ARTS AND TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS BY SAID SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 116 of the General Statutes is hereby amended by inserting a new Section 116-70 to read as follows:

"The school is hereby declared to be a State-supported institution of higher learning within the meaning of Article 21 of Chapter 116 of the General Statutes of North Carolina, the same as if the school were enumerated in said Article 21 or in G. S. 116-45, and all of the provisions of said Article 21 are hereby made applicable to the school and its board of trustees.

"In addition to the powers conferred thereon by this Act and G. S. 116-66, the board of trustees, subject to the approval of the Advisory Budget Commission, is hereby authorized to issue from time to time revenue bonds of said board for the purpose of providing funds, with any other available funds, for acquiring dormitory facilities presently being leased by the school."

Sec. 2. The powers conferred by this Act shall be regarded as supplemental and in addition to powers conferred by all other laws and shall not supplant or repeal any powers conferred by any other law.

Sec. 3. Article 4 of said Chapter 116 is hereby further amended by renumbering as G. S. 116-71 the presently existing G. S. 116-70.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 320 **CHAPTER 1041**

AN ACT PERMITTING, PENDING TRIAL OR HEARING, THE RELEASE OTHER THAN BY BAIL, OF PERSONS ACCUSED OF NON-CAPITAL CRIMES.

The General Assembly of North Carolina do enact:

Section 1. Article 10 of Chapter 15 of the General Statutes is amended by inserting therein a new Section, to be numbered G. S. 15-103.1, and to read as follows:

"G. S. 15-103.1. Release Prior to Trial or Hearing Other Than on Bail. (a) Except as otherwise provided in this Section, every officer authorized to fix and take bail in any situation is empowered in his discretion to release from custody, pending trial or hearing, any person charged with a non-capital felony or a misdemeanor, upon such person's own recognizance or upon the execution of an unsecured appearance bond in an amount specified by the officer.

(b) Every person in custody pending trial as a defendant in a criminal case, other than a person charged with a capital felony, may be released other than upon bail if it appears likely that he will appear and surrender himself to the jurisdiction of the court at the proper time. The officer authorized to fix and take bail in any case may cause an investigation to be made into the background of the defendant and to require him to provide under oath a statement of his circumstances with respect to residence, employment, and family situation; whereupon the officer may make a finding upon which to base the decision as to whether or not to allow the defendant's release on recognizance or unsecured appearance bond. The officer is further authorized to set such terms and conditions as reasonably appear to him to be required to insure the appearance of the defendant. In determining which conditions of release will reasonably assure appearance, the officer shall, on the basis of available information and without having to conform to the rules of evidence, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. The officer is further empowered to cause the arrest and recommitment of the accused if he has reasonable grounds to believe that the accused is about to depart the jurisdiction or for other reason may fail to appear or if the defendant has violated any condition of release.

(c) Every person released from custody under this Section who wilfully fails to appear for trial or hearing, or knowingly violates any condition of his release, shall be guilty of a misdemeanor.

(d) For the purposes of payment of expenses of extradition under the provisions of the Uniform Criminal Extradition Act every person who becomes a fugitive from justice during a period of release under this Section, other than on bail, shall be deemed a felon."

Sec. 1½. The term "officer" when used herein shall mean and include any officer or official authorized to fix and take bail under the provisions of Article 10 of Chapter 15 of the General Statutes of North Carolina.

Sec. 1¾. Nothing in this bill shall be construed as requiring any person accused to be released without bail.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 921 CHAPTER 1042

AN ACT TO AMEND G. S. 48-29 TO PROVIDE FOR THE ISSUANCE OF NEW BIRTH CERTIFICATES FOR ADOPTED CHILDREN BORN OUTSIDE THE STATE.

The General Assembly of North Carolina do enact:

Section 1. The first sentence of G. S. 48-29(a)is amended to read as follows:

"For proper cause the court may decree that the name of the child shall be changed to such name as may be prayed in the adoption petition or in a petition subsequently filed with the court by the adoptive parents."

Sec. 2. G. S. 48-29(a), as the same appears in the 1963 Cumulative Supplement to Volume 2A of the General Statutes, is further amended by changing the period appearing in line 15 after the word "certificate" to a comma and adding the following words:

"except as otherwise provided in subsection (d)."

Sec. 3. G. S. 48-29 is further amended by adding a new subsection after subsection (c) to be designated subsection (d), and to read as follows:

"(d) This Section shall apply in the case of a child born outside the State if the adoptive parents procure and furnish to the State Registrar a certified copy of the final order of adoption to be forwarded by the State Registrar to the appropriate vital statistics agency in the state of the child's birth, and further, if the adoptive parents procure and furnish to the State Registrar a birth certificate issued for the child by a duly authorized agency or representative of the state in which the child was born. The certificate so issued shall constitute the original certificate referred to in subsections (a) and (b). If the adoptive parents of a child born outside the State reside in another state at the time the petition is filed, the city and county of the court issuing the final order of adoption shall be shown on the new certificate as the place of birth."

Sec. 3½. Sections 2 and 3 shall apply only to the birth certificate of the child whose adoption is recorded under North Carolina Index Number 16429 in the files of the State Department of Public Welfare.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 987 **CHAPTER 1043**

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The following named persons are hereby appointed justices of the peace for their respective townships and counties in North Carolina for a term of two years beginning July 1, 1967, and expiring June 30, 1969, except as otherwise provided in Section 2 of this Act.

ALAMANCE

C. L. Simpson	Morton Township
Walter H. Garrison	Faucette Township
Herman Montgomery	Faucette Township
C. C. Bayliff	Graham Township
Floy Guthrie	Newlin Township
Norman Wood	Melville Township
Frank D. Wilkinson	Melville Township
E. C. Thomas	Pleasant Grove Township
Wallace Hardwick	Burlington Township
Daniel Scott Walker	Burlington Township
Roger P. Ingram	Haw River Township
J. Manley Williamson	Haw River Township
Thomas Paige Sykes	Haw River Township

ALEXANDER

J. Ross Stewart	Taylorsville Township

ALLEGHANY

G. Glen Nichols	Gap Civil Township
R. D. Gentry	Gap Civil Township

ANSON

Kathleen Estridge	Ansonville Township
James R. Glenn	Lanesboro Township
C. H. Ferguson	Wadesboro Township
Frank E. Jones	Wadesboro Township
H. C. Gray	Wadesboro Township
C. B. Morgan	White Store Township

ASHE

B. H. Duncan	North Fork Township
W. L. Tucker	West Jefferson Township
T. S. Duncan	Jefferson Township
C. B. Colvard	Jefferson Township

AVERY

Lloyd W. Sudderth	Linville Township
Robert B. Guy	Linville Township
Willie Townsend	Linville Township
Julian Greene	Linville Township
J. E. LaBarbera	Linville Township
C. Fred Coffey	Banner Elk Township
Zellian McCoury	Plum Tree Township
Mrs. Arizona Hughes	Plum Tree Township
Mrs. Lucille T. Winters	Cranberry Township
Horton Cooper	Frank Township

BEAUFORT

None

BERTIE

W. S. Smith	Windsor Township
John C. Baker	Windsor Township
B. L. Smithwick	Merry Hill Township
W. S. Tayloe	Colerain Township
George T. Darden	Colerain Township
J. G. Hall, Sr.	Roxobel Township
C. W. White, Jr.	Mitchell Township
Henry Dempsey	Snakebite Township

BLADEN

Rufus A. Britt	Bladenboro Township

BRUNSWICK

Paul Brown	Northwest Township
Dave Morris	Northwest Township
Paul Dennis	Shallotte Township

BUNCOMBE

Mrs. Helen Lance	Asheville Township
Horace E. Medford	Asheville Township
Carroll Fowler	Asheville Township

CABARRUS

Lewis Frank Faggart	#4 Township
R. O. Robinette	#4 Township
M. N. Robinson	#4 Township
W. S. McCommons	#4 Township
Charles E. Pratt	#12 Township
H. W. Watts	#12 Township
A. R. Erwin	#12 Township
Robert Lynn Trout	#12 Township

CARTERET

None

CASWELL

J. Lawrence Walker	Anderson Township
F. B. Goodson	Anderson Township
Holmes P. Hunt	Dan River Township
John Miller Pleasants	Dan River Township
J. F. Pointer	Milton Township
Mrs. Iola T. Gwynn	Milton Township
Montrose S. Angle	Milton Township
H. V. Clayton	Hightower Township
Reuben Pleasant	Leasburg Township
Fred Cox	Leasburg Township
J. D. Foster	Locust Hill Township
W. M. Zimmerman	Pelham Township
Mrs. Emma P. Fowlkes	Pelham Township
J. O. Evens	Pelham Township
Robert L. Neal, Jr.	Stony Creek Township
H. R. Thompson	Yanceyville Township
Arthur Moorefield, Jr.	Yanceyville Township
William L. Gunn	Yanceyville Township
J. C. Lunsford	Yanceyville Township

CHATHAM

Jesse O. Ferrington	Williams Township

CLEVELAND

J. R. Greene	Boiling Springs #2 Township

COLUMBUS

Ralph J. Bullard	Cerro Gordo Township
Ray Williamson	Whiteville Township
John T. Wilson	Whiteville Township
H. G. McQueen	Chadbourn Township
R. Duke Garrell	Williams Township
Polly N. Wilson	Whiteville Township
C. E. Riggs	Lake Waccamaw Township
C. J. Buchanan	Ransom Township

CRAVEN

H. Paul Stevens	#8 Township
I. C. Wyatt	#8 Township

DAVIDSON

Ralph C. Copley	Thomasville Township

DAVIE

Mrs. Minnie E. Allen	Jerusalem Township
Theodore M. Foster	Mocksville Township
Ruby A. Purvis, Mrs.	Mocksville Township
Edward D. Howard	Mocksville Township

DUPLIN

None

EDGECOMBE

None

FORSYTH

None

FRANKLIN

L. S. Ward	Gold Mine Township
Calvin W. Brown	Franklinton Township
W. J. Cooper, Jr.	Louisburg Township
W. J. Pace	Louisburg Township
John W. King	Louisburg Township
Bayard Perry	Dunn Township
Melvin J. Young	Youngsville Township
T. W. Boone	Cedar Rock Township

GASTON

Crawford Dalton	Gastonia Township

GRANVILLE

J. G. Wheeler, Jr.	Oxford Township
R. T. Breedlove	Oxford Township
Herbert F. Bernard	Oxford Township
I. E. Harris	Dutchville Township
Marguerite H. Hibbs	Dutchville Township

GREENE

None

GUILFORD

None

HALIFAX

H. H. Bell	Roanoke Rapids Township
W. L. Pickett	Roanoke Rapids Township
Mrs. Julia Stanley	Roanoke Rapids Township
Mrs. Inez L. Davis	Roanoke Rapids Township
L. C. Barrow	Weldon Township
G. P. Johnson	Weldon Township
C. E. Moss	Weldon Township
Mrs. Mary Hartsoe Hamill	Weldon Township
Eli Bellamy	Enfield Township
Sam E. Ewell	Enfield Township
George R. Ivey	Enfield Township

J. A. Dickens	Halifax Township
Ray L. Strickland	Halifax Township
J. W. Harvey	Littleton Township
James M. Shearin	Littleton Township
D. E. Preast	Scotland Neck Township
Mr. J. A. McDowell	Scotland Neck Township
Tracy Qualls, Jr.	Brinkleyville Township
Jesse Love	Roanoke Rapids Township
William E. Joyner	Scotland Neck Township
Marvin Shearin	Brinkleyville Township

HARNETT

E. L. Hill	Anderson Creek Township
Howard M. Lee	Averasboro Township
Mallie A. Jackson	Averasboro Township
George F. Owens	Averasboro Township
William P. Barfield	Averasboro Township
Ted L. Allred	Averasboro Township
Cornelia T. Cameron	Barbecue Township
Jack Marley	Black River Township
Danny Watkins	Black River Township
Kearney Gregory	Black River Township
James E. Glover	Buckhorn Township
M. C. Westbrook	Buckhorn Township
J. H. Williams	Buckhorn Township
Clarence J. Horrell	Buckhorn Township
Thomas G. Beasley	Grove Township
Z. Nassie Dorman	Grove Township
Roy Langdon	Grove Township
Ray Matthews	Hectors Creek Township
W. S. Motley	Hectors Creek Township
Tyree Senter	Hectors Creek Township
George A. McKay	Johnsonville Township
Eunice Griffin	Johnsonville Township
M. B. Stewart	Lillington Township
George Truitte Johnson	Lillington Township
A. J. Stephenson	Lillington Township
Robert Redfern	Lillington Township
Edward Gaskins	Neills Creek Township
H. T. Hight	Neills Creek Township
R. E. Byrd	Stewarts Creek Township
T. H. Morrison	Upper Little River Township
Wesley H. Brown	Upper Little River Township
C. T. Thomas	Upper Little River Township
Clarence Holder	Upper Little River Township
Blanche Johnson	Upper Little River Township

HENDERSON

None

HERTFORD

J. Stanley Vinson	Ahoskie Township
William Paul Sharp	Ahoskie Township
Leonard M. Holloman	Harrellsville Township
John Davis White	Murfreesboro Township
George H. Pipkin	Murfreesboro Township
R. B. Brady	Winton Township
Clayton Piland	Winton Township

HYDE

John Worth Moore	Currituck Township
Joshua V. Gibbs	Swan Quarter Township
D. D. Cutrell	Fairfield Township
Donald Morrison Snell	Ocracoke Township

IREDELL

Sam T. Laws	Statesville Township
H. C. Miller	Coddle Creek Township
Ellenora S. Barker	New Hope Township
Carol B. Neill	Davidson Township

JOHNSTON

None

JONES

None

LEE

T. C. Adams	Greenwood Township
Julian Causey	Deep River Township
Jessie Sloan	Deep River Township
Oscar Keller	West Sanford Township
Doris McCracken	West Sanford Township
Stacy Love	East Sanford Township
Glenn Phillips	East Sanford Township
Harold Stewart	Jonesboro Township
Florence W. Robinson	Jonesboro Township

LENOIR

None

LINCOLN

Keith J. Beam	North Brook Township
Walter L. Harris	Lincolnton Township

MADISON

Wade Huey	#1 Township
Mrs. Pearl R. Rector	#1 Township
Carlie Rice	#1 Township
Dewey Metcalf	#1 Township
Bailey Rice	#1 Township
Leroy Shelton	#2 Township
Rubin Wallin	#2 Township
Jim Wallin	#2 Township
Walter Bennett	#3 Township
Clyde Rice	#4 Township
Carroll Tweed	#5 Township
Fred Moore	#6 Township
John Ray Gardner	#6 Township
Raymond Price	#8 Township
Cecil E. Pangle	#8 Township
Mrs. Tommy Meadows	#8 Township
Beulah Shelton	#2 Township
Bruce Murray	#3 Township
Robert McClure	#5 Township
Fleet Reeves	#5 Township

MARTIN

W. M. Tetterton	Williamston Township
C. R. Mobley	Williamston Township
Dennis A. Roberson	Robersonville Township
W. E. Early	Goosenest Township
Charles D. Perkins, Jr.	Hamilton Township

McDOWELL

None

MECKLENBURG

None

MITCHELL

Aaron Buchanan	Poplar Township
Ted Richard Burnette	Grassy Creek #2 Township
Ralph Sparks	Grassy Creek #2 Township
Clark Robinson	Grassy Creek #1 Township
William Bruce Thomas	Bandana Township
Albert N. Ellis	Snow Creek Township
Ed Wilson, Jr.	Bakersville Township
Ralph Lafayette Young	Cane Creek Township
Frank Garland	Harrell Township
Toy Burleson	Harrell Township
Bristoe Peterson	Poplar Township

MONTGOMERY

Earl D. Bruton	Biscoe Township
P. N. Caudill	Biscoe Township
R. B. Reynolds	Troy Township
Marvin Benson Mullinex	Troy Township
J. O. Russell	Mount Gilead Township

MOORE

None

NASH

Clarence Holland	Dry Wells Township
Roy Pullen	Castalia Township
Royland Glover	Bailey Township
J. M. Bobbitt	Rocky Mount Township

NEW HANOVER

None

NORTHAMPTON

Macon F. Price	Gaston Township
Howard Rogers	Jackson Township
L. R. Taylor	Jackson Township
L. T. Warwick	Jackson Township
Otis Ricks	Kirby Township
Romie E. Coker	Pleasant Hill Township
James G. Collier	Rich Square Township
Millard Lane	Rich Square Township
Ralph H. Thompson	Rich Square Township
Russell L. Bass	Seaboard Township

ONSLOW

Paul Pate	Stump Sound Township

ORANGE

Tommy Womble	Hillsborough Township

PAMLICO

Herbert M. Harris	#1 Township
Sylvesta Sadler	#4 Township

PENDER

John E. Taylor	Burgaw Township

PERSON

W. W. Woods	Roxboro Township
Henry E. O'Briant	Roxboro Township
J. M. Long	Roxboro Township
Jack Slaughter	Roxboro Township
L. F. Guill, Jr.	Woodsdale Township
John D. Winstead, III	Olive Hill Township
Howard Whitfield	Busy Fork Township
Thomas Coates	Cunningham Township
James Weaver	Allensville Township

PITT

None

POLK

A. A. Atkins	Saluda Township

RANDOLPH

James H. Buffington	Trinity Township
R. D. Auman	Trinity Township
Mrs. Mary H. Burns	Asheboro Township
W. C. Craven	Asheboro Township
James L. Coble	Randleman Township

RICHMOND

Odell Childers	Wolf Pit Township

ROCKINGHAM

None

ROWAN

Roy A. Beaver	Salisbury Township
Rachel Whalen	Salisbury Township
J. T. Austin	Salisbury Township
H. F. Lucas	Salisbury Township
Robert G. Ellison	China Grove Township
Isabel T. Barrier	Gold Hill Township
George H. Smith	Atwell Township
Cicle C. Burleson	Salisbury Township

RUTHERFORD

None

SAMPSON

E. B. Lockamy	Plainview Township
C. J. Hobbs	Little Coharie #2 Township

STANLY

Oscar H. Fisher	Center Township
R. Parker Miller	North Albemarle Township
John S. Keever	South Albemarle Township
Mrs. Genevieve Fesperman	South Albemarle Township
Leon D. Parker	Harris Township
Boyd C. Honeycutt	Furr Township

STOKES

None

SURRY

None

TRANSYLVANIA

Ligon B. Ard	Brevard Township
Otas W. Crisp	Brevard Township
Homer H. McCall	Quebec Township
Waverly O. Morris	Pisgah Forest Township

TYRRELL

E. R. Davenport	Scuppernong Township
J. W. Everett	Columbia Township

UNION

J. Frank Gulledge	Monroe Township
John P. U. McLeod	Marshville Township
Mrs. Martha H. Moser	Buford Township
R. F. Beasley, Jr.	Monroe Township

VANCE

F. B. Hight	Henderson Township
Dave H. Stallings	Henderson Township
Gordon T. Bobbitt, Sr.	Henderson Township
Albert L. Burke	Henderson Township
Huber M. Lewis	Henderson Township
G. W. Norwood	Dabney Township
W. W. Sparrow	Townsville Township
C. H. Guerrant	Williamsboro Township
W. J. Bowen	Sandy Creek Township
Joseph A. Overton	Kittrell Township
Z. K. Kelly	Henderson Township

WAKE

Joseph Allie Waller	Raleigh Township
Brooks W. Poole	Raleigh Township
Carl S. Poole	Raleigh Township
Kenneth H. Oakley	Raleigh Township
James A. Shepard	Raleigh Township
Catherine Shepard	Raleigh Township
Charles R. Poole	St. Mary's Township

WARREN

J. C. Moore	Warrenton Township
Roger C. Moore	Judkins Township
N. G. Hudgins	Smith's Creek Township

WASHINGTON

C. M. Beasley	Plymouth Township
Thomas H. Chesson	Plymouth Township
Vance B. Respass	Lees Mills Township
Mrs. Mary V. Pharr	Skinnersville Township
Hilton O. Chesson	Scuppernong Township

WATAUGA

M. J. Williams	Brushy Fork Township
George C. Thomas	Boone Township

WAYNE

None

WILKES

J. H. White	Edwards Township
Dallas Newman	Edwards Township
Colin Foster	Lewis Fork Township
C. W. Hanes	New Castle Township
H. M. Wiles	Rock Creek Township
L. F. Caudill	Walnut Grove Township
C. G. Glass	Wilkesboro Township
W. B. Warner	Wilkesboro Township
Frances B. Somers	Wilkesboro Township
Mildred Joines	Wilkesboro Township
C. G. Durham	North Wilkesboro Township
Walter S. Brewer	Moravian Falls Township
Bobbie Hawkins	Elk Township

WILSON

June S. Hawley	Wilson Township
Walter Kirby	Spring Hill Township
George E. Tyson	Toisnot Township

YADKIN

Hubert Evans	North Knobs Township

Sec. 2. The office of justice of the peace having been abolished in each county of North Carolina upon the establishment of a district court therein, the term of every justice of the peace in every county located in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fifteenth, eighteenth, twentieth, twenty-first, twenty-fourth, twenty-sixth, twenty-seventh, and twenty-ninth judicial districts shall therefore expire on the first Monday in December, 1968, when a district

court will be established in the 61 counties embraced within said judicial districts.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1388 **CHAPTER 1044**

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Madison County shall consist of five members who shall serve for terms of four years each, and until their successors are elected and qualified.

Sec. 2. For the purpose of nominating and electing members of the Madison County Board of Education, the County shall be divided into two districts as follows:

District One shall be composed of Townships 3, 4 and 7, as now known and constituted.

District Two shall be composed of Townships 1, 2, 5, 6 and 8, as now known and constituted.

Sec. 3. At the primary election to be held for County officers in 1970, and quadrennially thereafter, two candidates shall be nominated by each political party from District One, and three candidates shall be nominated by each political party from District Two. Candidates must be residents of the District in which they are nominated, and shall file notice of candidacy indicating the District for which they are candidates, and their party affiliation.

The candidates shall be nominated by the qualified voters of the District in which the candidates are running. The names of the nominees, of each political party, from each District shall be placed upon the County ballot at the next succeeding general election.

Sec. 4. In the general election of 1970, and quadrennially thereafter, separate ballots for each District shall be prepared by the County Board of Elections, and only the qualified voters of each District shall vote for the candidates nominated from that particular District. The candidates, equal to the number of positions to be filled in each District, receiving the highest number of votes in the District shall be declared elected.

Sec. 5. Vacancies in the membership of the Board of Education, for any cause, shall be filled immediately by the County Executive Committee of the political party of the member causing such vacancy. The person appointed shall serve for the unexpired term.

Sec. 6. The persons elected in the general election of 1970, and quadrennially thereafter, shall take office on the first Monday in April following their election, and the Board of Education shall organize on

said date by electing one member as Chairman. In the event a vacancy occurs in the Chairmanship, the Board of Education shall elect a successor.

Sec. 7. Except as otherwise provided herein, the primary and general elections shall be conducted and held in accordance with the laws and regulations governing primary and general elections as provided in Chapter 163 of the General Statutes of North Carolina.

Sec. 8. If any Section, subsection, clause or provision of this Act shall be adjudged invalid, such adjudication shall apply only to such Section, subsection, clause or provision, and the remainder of this Act shall be deemed valid and effective.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1395 CHAPTER 1045

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Robeson County shall consist of seven members who shall serve for terms of four years and until their successors are elected and qualified.

Sec. 2. At the same time the primary election for county officers is held in Robeson County in 1968, and biennially thereafter, there shall be held an election to elect members of the Robeson County Board of Education to take the place of the members whose terms next expire. The number of candidates, equal to the number of positions to be filled, who receive the highest number of votes shall be declared elected.

Sec. 3. No primary election shall be held, but each candidate shall file his notice of candidacy within the time now provided for the filing by candidates for other county offices. A separate ballot shall be provided by the county board of elections with appropriate instructions printed thereon. Except as otherwise provided herein, the election for members of the Board of Education shall be held under the laws and regulations pertaining to elections for county officers as provided in Chapter 163 of the General Statutes.

Sec. 4. Members of the Board of Education elected in 1968, and biennially thereafter, shall qualify and take the oath of office on June 1 of the year in which elected. The present members of the Robeson County Board of Education shall continue in office until their successors are elected and qualified as provided in this Act.

Sec. 5. Any vacancy occurring in the membership of the Board of Education, for any reason, shall be filled for the unexpired term by the remaining members of the Board of Education.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1396 CHAPTER 1046

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Duplin County shall continue to exist and to consist of five members. Each member of the Duplin County Board of Education shall continue to hold his office on said board until his term of office shall expire and until his successor is nominated and elected and inducted into office as hereinafter provided.

Sec. 2. In the year immediately preceding the expiration of any six-year term of office of a member of the Board of Education of Duplin County his successor shall be nominated and elected in the primary and general election and the member so elected shall qualify and take office on the first Monday in April of the year following the election of said member of said board of education. The procedure herein provided shall be followed irrespective of the number of terms expiring and the number of vacancies on the board of education to be filled. Any member or members elected to office on said board of education shall serve for terms of six years each and until the successor of each member is elected and inducted into office.

Sec. 3. The primary and general election of the member or members of the Board of Education of Duplin County shall be conducted in all respects in accordance with the primary and general election laws applicable to county officers and as provided in Chapter 163 of the General Statutes as amended. Each candidate of a political party shall file notice of candidacy as required by the primary laws and shall pay a filing fee of five dollars ($5.00).

Sec. 4. In case of any vacancy on said board of education before expiration of term of office by reason of death, resignation, removal from office, change of residence or for any other reason, then the county executive committee of the political party of the member causing the vacancy shall appoint some eligible person to fill the vacancy for the unexpired term.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. B. 1409 **CHAPTER 1047**

AN ACT TO AMEND CHAPTER 4 OF THE PRIVATE LAWS OF 1929 RELATING TO THE CORPORATE LIMITS OF THE TOWN OF FAIR BLUFF.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 4 of the Private Laws of 1929 is hereby amended by striking out all of line 22 thereof appearing after the semicolon and all of line 23 thereof appearing before the word "to", and by inserting in lieu thereof the following:

"thence South 22 degrees East 2230 feet to the intersection of the center line of Meares Street with the center line of Academy Street; thence South 26 degrees 30 minutes West 3635 feet".

Sec. 2. Section 1 of Chapter 4 of the Private Laws of 1929 is hereby further amended by striking out of lines 27 and 28 thereof the words "State Highway Number two hundred and two", and by inserting in lieu thereof the words and figures "U. S. Highway Number 76".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. B. 100 **CHAPTER 1048**

AN ACT TO APPROPRIATE FUNDS TO THE VAGABOND SCHOOL OF THE DRAMA, INC., KNOWN AS THE STATE THEATRE OF NORTH CAROLINA, FOR OPERATION, CONSTRUCTION AND EXPANSION.

WHEREAS, in 1940 the Vagabond Players, a theatrical group from the State of New York, converted a hundred year old grist mill into the Old Mill Playhouse at Highland Lake, Flat Rock, North Carolina, to establish successfully the State's first professional summer theatre; and

WHEREAS, during World War II, the Vagabond Players were disbanded but were reorganized in 1948 to continue theatrical productions at Flat Rock, North Carolina; and

WHEREAS, in 1952, the Vagabond Players were reorganized under the direction of a regional board of directors from the Carolinas and developed into a nonprofit, educational and cultural corporation; and

WHEREAS, the present Vagabond School and Playhouse is located at Flat Rock, Henderson County, North Carolina, and is situated in the heart of the vacation land of Western North Carolina; and

WHEREAS, patrons from all fifty states and some foreign countries attend performances of the Flat Rock Playhouse during its theatrical season; and

WHEREAS, the Vagabond Players of the Flat Rock Playhouse rank as one of the best summer stock companies of our country; and

WHEREAS, the Vagabond School of Drama, under the direction of a regional board of directors, operates a summer school at the Flat Rock Playhouse; and

WHEREAS, in conjunction with the School of Drama, a professional theatre is operated for a minimum of ten weeks during the summer months at the Flat Rock Playhouse, and in 1965-66 offered a two-week summer workshop for North Carolina teachers of English and drama; and

WHEREAS, the Flat Rock Playhouse is one of the oldest summer attractions in the State and is the second most popular summer attraction in North Carolina; and

WHEREAS, the Flat Rock Playhouse produces a minimum of ten plays in the State of North Carolina during the summer theatrical season; and

WHEREAS, for no monetary consideration, the Flat Rock Playhouse assisted the State of North Carolina in its work of advertising and promoting the educational, cultural and economic interests of the State, and in attracting and encouraging people from other states and countries to visit the State where so many shrines and historical sites are located; and

WHEREAS, the General Assembly of North Carolina at its 1959 Session recognized the Flat Rock Playhouse as the Western North Carolina Theatre; and

WHEREAS, the General Assembly in 1961 Session recognized the Flat Rock Playhouse for its contribution over a period of twenty-two years to the cultural life of this State by recognizing it as the State Theatre of North Carolina; and

WHEREAS, in order to qualify for a substantial Ford Foundation grant, it is necessary for the State Theatre of North Carolina to operate for a minimum of thirty-two weeks in each year; and

WHEREAS, the financial assistance of the State of North Carolina is necessary to provide needed buildings, improvements and for the expansion of operations: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated out of the General Fund of North Carolina to the Vagabond School of the Drama, Inc., the sum of five thousand dollars ($5,000.00) for the fiscal year commencing July 1, 1967 and ending June 30, 1968, for the operation, construction and expansion of the State Theatre of North Carolina at Flat Rock, North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 308 **CHAPTER 1049**

AN ACT TO MAKE SOLICITORIAL DISTRICTS IDENTICAL WITH SUPERIOR COURT JUDICIAL DISTRICTS, TO PROVIDE THAT THE OFFICE OF SOLICITOR SHALL BE A FULL-TIME OFFICE, TO PROVIDE THAT SOLICITORS SHALL PROSECUTE ALL CRIMES IN THE SUPERIOR AND DISTRICT COURTS OF THE STATE, TO ABOLISH THE OFFICE OF DISTRICT COURT PROSECUTOR, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The following new article is hereby inserted in Subchapter III of Chapter 7A of the General Statutes:

"Article 9. Solicitors and Solicitorial Districts

Sec. 7A-60. Solicitors and Solicitorial Districts. Effective January 1, 1971, the State shall be divided into solicitorial districts, the numbers and boundaries of which shall be identical with those of the superior court judicial districts. In the general election of November, 1970, a solicitor shall be elected for a four-year term for each solicitorial district. The solicitor shall be a resident of the district for which elected, and shall take office on January 1 following his election. A vacancy in the office of solicitor shall be filled as provided in Article IV, Section 17 of the Constitution.

Sec. 7A-61. Duties of Solicitor. The solicitor shall prosecute in the name of the State all criminal actions requiring prosecution in the superior and district courts of his district, advise the officers of justice in his district, and perform such duties related to appeals to the Appellate Division from his district as the Attorney General may require. Each solicitor shall devote his full time to the duties of his office and shall not engage in the private practice of law.

Sec. 7A-62. Acting Solicitor. When a solicitor becomes for any reason unable to perform his duties, the Governor shall appoint an acting solicitor to serve during the period of disability. An acting solicitor has all the power, authority and duties of the regular solicitor. He shall take the oath of office prescribed for the regular solicitor, and shall receive the same compensation as the regular solicitor.

Sec. 7A-63. Assistant Solicitors. Each solicitor shall be entitled to the number of full-time assistant solicitors set out in G. S. 7A-133, to be appointed by the solicitor, for the same term of office as the solicitor. A vacancy in the office of assistant solicitor shall be filled in the same manner as the initial appointment, for the remainder of the unexpired term. An assistant solicitor shall take the same oath of office as the solicitor, and shall perform such duties as may be assigned by the solicitor. He shall devote his full time to the duties of his office and shall not engage in the private practice of law during his term.

Sec. 7A-64. Temporary Assistance When Dockets Overcrowded. When criminal cases accumulate on the dockets of the superior or district courts of a district beyond the capacity of the solicitor and his full-time assistants to keep the dockets reasonably current, the Administrative Officer of the

Courts may, on request of the solicitor, supported by facts indicating the need for assistance:

(1) temporarily assign an assistant solicitor from another district, after consultation with the solicitor thereof, to assist in the prosecution of cases in the requesting district; or

(2) authorize the temporary appointment, by the requesting solicitor, of a qualified attorney to assist the requesting solicitor.

The length of service and compensation of such temporary appointee shall be fixed by the Administrative Officer of the Courts in each case.

Sec. 7A-65. Compensation and Allowances of Solicitors and Assistant Solicitors. The annual salary of solicitors and full-time assistant solicitors shall be as provided in the Budget Appropriations Act. When traveling on official business, each solicitor and assistant solicitor is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally.

Sec. 7A-66. Removal of Solicitors and Assistant Solicitors. A solicitor or assistant solicitor may be suspended or removed from office, and reinstated, for the same causes and under the same procedures as are applicable to removal of a district court judge.

Sec. 7A-67. Effective Date. Except as otherwise provided in Sec. 7A-60, this article shall become effective January 1, 1971."

Sec. 2. G. S. 7-44 is hereby rewritten to read as follows:

"G. S. 7-44. Solicitors; Compensation. Effective July 1, 1967, solicitors shall receive, as full compensation for their services as solicitors, thirteen thousand dollars ($13,000.00) per year, except that solicitors who qualify July 1, 1968 as full-time solicitors under G. S. 7-45(b), shall receive fifteen thousand dollars ($15,000.00) per year. The salaries set forth in this Section shall be in lieu of fees or other compensation, except the expenses allowed in G. S. 7-45."

Sec. 3. Effective July 1, 1967, G. S. 7-45 is rewritten to read as follows:

"G. S. 7-45. Travel and Office Expenses of Solicitors. (a) In addition to the salary set forth in G. S. 7-44, each solicitor shall receive the sum of three thousand dollars ($3,000.00) per year, as reimbursement for all of his travel and subsistence expenses while engaged in duties connected with his office. This sum shall be paid in equal monthly installments out of the State treasury upon warrants duly drawn thereon.

(b) Solicitors in the following districts may elect to become full-time State employees on July 1, 1968, provided they discontinue the private practice of law and so certify to the Administrative Officer of the Courts by that date: the second, the third, the fourth, the fifth, the sixth, the seventh, the eighth, the ninth, the tenth, ten-A, the eleventh, the twelfth, the thirteenth, fourteen-A, the fifteenth, the sixteenth, the eighteenth, and the nineteenth. Solicitors who qualify under this subsection are entitled to a State allowance of not to exceed four hundred dollars ($400.00) per month per solicitor, to be used to reimburse the solicitor for actual expenditures for office rent, secretarial service, telephone bills, postage, and similar expenses of his office. Reimbursement shall be in accordance with regulations issued by the Administrative Office of the Courts."

Sec. 4. G. S. 7A-160 is amended by rewriting the first sentence thereof to read as follows: "The senior regular resident superior court judge shall appoint, for a term of four years, a district court prosecutor for his district, except that the term of office of a prosecutor appointed in a district activated in December, 1968, or December, 1970, is terminated December 31, 1970."

Sec. 5. Amendments Effective January 1, 1971. Effective January 1, 1971:

(1) G. S. 7A-132 is amended by changing the word "prosecutors" at two places in the caption to "solicitors," by changing the word "prosecutor" at the end of the first sentence to "solicitor," and by changing the word "prosecutors" at the end of the third sentence to "solicitors";

(2) G. S. 7A-133 is amended in the caption and in the first sentence by changing the word "prosecutors" to "solicitors," and in the heading of the chart by changing the words "Asst. Pros.," to "Asst. Solicitors";

(3) G. S. 7A-300(a)(4) is amended by deleting the words "prosecutors, assistant Prosecutors, acting prosecutors,";

(4) G. S. 7A-304(a)(2) is amended by deleting the word "prosecutors" in line 10;

(5) G. S. 7A-343(2) is amended by deleting the word "prosecutors"; and

(6) G. S. 7A-345 is amended by deleting the word "prosecutors."

Sec. 6. Statutes Repealed. G. S. 7-44 (as rewritten herein), 7-45 (as amended herein), 7-68(b), 7A-43.1, 7A-43.2, 7A-43.3, 7A-160 through 7A-165 (Article 15), and all other laws and clauses of laws in conflict with this Act, are repealed effective January 1, 1971.

Sec. 7. Partial Invalidity. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 8. Except as otherwise provided in this Act, this Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 408 CHAPTER 1050

AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION AND OPERATION OF TWO PILOT COMMUNITY COMPLEXES, SO AS TO PROVIDE DAY CARE, RESIDENTIAL CARE AND OTHER SERVICES TO MENTALLY RETARDED CHILDREN AND ADULTS.

The General Assembly of North Carolina do enact:

Section 1. (a) To provide day care, residential care and other services beneficial to and necessary for the continued care of mentally retarded children, adults and their families, there is hereby appropriated from the General Fund of the State to the Department of Mental Health the sum of one hundred fifty thousand forty dollars ($150,040) to pay the State of North Carolina's share (being twenty-two per cent (22%)) of construc-

tion costs to build two community mental retardation complex facilities on adequate sites to be provided either by the county or city wherein the same may be located or by both such county or city as determined by the Department of Mental Health and the Medical Care Commission. Said one hundred fifty thousand forty dollars ($150,040) hereby appropriated is appropriated upon the following conditions:

(1) That sixteen per cent (16%) of the construction costs of said facilities shall be provided and paid by the county or city or both by the county and city wherein each such facility shall be located.

(2) That such county or city or both such county and city shall at its or their own cost and expense provide an adequate site for each such facility in addition to paying said portion of the construction costs, which site or sites shall be as determined by the Department of Mental Health and the Medical Care Commission.

(3) That sixty-two per cent (62%) of said construction costs shall be provided and paid from funds made available pursuant to Part C of Public Law 88-164 enacted by the 88th Congress, October 31, 1963.

(b) One such facility shall be located in Mecklenburg County and the other in Guilford County as may be determined by the North Carolina Department of Mental Health, with the advice of the North Carolina Council on Mental Retardation, the Medical Care Commission and a panel of three out-of-state consultants on mental retardation who shall be selected by the North Carolina Council on Mental Retardation.

(c) The work carried on in each such facility shall be administered, supervised and executed jointly by the State of North Carolina acting through the Department of Mental Health and a local Board to be known as a "local mental health authority" appointed by the county commissioners of the county or the governing board of the municipality in which each such facility is located, or by both such boards, upon recommendation of the Council on Mental Retardation of each such county, or of each such county and municipality.

Sec. 2. For the operation of said facilities or complexes there is hereby appropriated out of the General Fund to the State Department of Mental Health for the fiscal year beginning July 1, 1968, the sum of one hundred twelve thousand forty-eight dollars ($112,048) which shall be budgeted as to each of said facilities for the purposes set forth in this bill in such manner as the Budget Division of the Department of Administration may direct.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

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S. B. 581 **CHAPTER 1051**

AN ACT CREATING A STATE OF NORTH CAROLINA STADIUM AUTHORITY; TO DEFINE AND PROVIDE ITS PURPOSES AND DUTIES; TO AUTHORIZE IT TO ISSUE SELF-LIQUIDATING REVENUE BONDS TO FINANCE THE ACQUISITION, CONSTRUCTION, EQUIPMENT, MAINTENANCE AND OPERATION OF ITS FACILITIES; AND TO AUTHORIZE STATE AND LOCAL FINANCIAL CONTRIBUTIONS TO SUCH AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a body corporate and politic to be known as the North Carolina Stadium Authority (hereinafter called the "Authority"). The Authority is hereby constituted a public agency, and the exercise by the Authority of the powers conferred by this Act shall be deemed and held to be the performance of a governmental function and in furtherance of a public purpose.

Sec. 2. As used in this Act, unless the context clearly indicates another or different meaning or intent:

(A) "Stadium" shall mean a permanent structure, with or without a permanent or removable roof or covering, of a type that will afford accommodations for large numbers of spectators and enclosing, partially or totally, an area suitable or adaptable for holding athletic contests, theatrical events, musical concerts, religious assemblies, military drills and exhibitions, expositions, conventions, and similar or related events tending to promote the education, recreation, or pleasure of the general public.

(B) "Project" shall be deemed to mean and include the acquisition, construction, equipping, maintenance and operation of a stadium and the usual facilities related thereto, including but not limited to field houses, dressing rooms, parking areas, eating and refreshment facilities, club houses, and accommodations for press, radio, and television personnel and equipment.

Sec. 3. Through the Authority hereinabove created the State of North Carolina may promote, acquire, develop, construct, equip, maintain, and operate (a) (one or more) stadium(s) at one or more locations selected by the Authority, for the accomplishment of the following purposes:

(A) To promote and develop the educational and cultural interests of the people of this State;

(B) To provide for the health, comfort, pleasure, and amusement of the people of this State;

(C) To stimulate and encourage the improvement of agricultural and industrial skills, techniques, and practices;

(D) To further advance the economic and commercial interests of the people of this State by attracting tourists and other visitors to the State.

Sec. 4. The Authority shall consist of seven members appointed by the Governor. Members shall be appointed for four-year terms and shall be eligible for reappointment. Any vacancy occurring in the membership of the Authority, for any cause whatsoever, shall be filled by appointment by the Governor for the unexpired term. Any member may be removed by

the Governor for misfeasance, malfeasance, or willful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived.

Sec. 5. Each appointed member of the Authority shall, before entering upon his duties, take an oath to administer the duties of his office faithfully and impartially, and a record of each such oath shall be filed in the office of the Secretary of State. Before the issuance of any stadium revenue bonds under this Act, each member of the Authority shall execute a surety bond in the penal sum of twenty-five thousand dollars ($25,000.00) and the secretary-treasurer shall execute a surety bond in the sum of fifty thousand dollars ($50,000.00), each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to do business in the State, and to be approved by the Attorney General and filed in the office of the Secretary of State.

Sec. 6. The Authority shall elect one of its members as chairman and another as vice chairman and shall also elect a secretary-treasurer, who need not be a member of the Authority. Said officers shall serve for one-year terms and shall be eligible for re-election. The Authority shall adopt such rules and regulations not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The chairman may appoint such committees as may be authorized by the Authority's rules and regulations. The Authority shall meet regularly at such times and places as may be specified in its rules and regulations, and special meetings may be called pursuant to such rules. A majority of the members shall constitute a quorum for the transaction of business. All meetings of the Authority shall be open to the public.

Sec. 7. (The members of the Authority shall not be entitled to compensation for their services but shall be reimbursed for their necessary expenses incurred in the performance of their duties in accordance with the provisions of Sections 138-5 and 138-7 of the General Statutes of North Carolina.)

Sec. 8. In furtherance of the purposes of this Act, the Authority is hereby:

(A) Granted the powers of a body corporate, including the power to sue and be sued, to make contracts, and to adopt and use a common seal and to alter the same as may be deemed expedient;

(B) Authorized and empowered to accept, obtain options upon, rent, lease, buy, own, acquire, mortgage, otherwise encumber, sell, exchange, transfer, assign, or otherwise dispose of such property, real or personal, as it may deem necessary and proper to carry out the purposes and provisions of this Act;

(C) Authorized and empowered to acquire, develop, construct, maintain, equip, and operate one or more projects as defined herein;

(D) Granted the power to appoint and employ and dismiss, in its discretion or in the discretion of its duly designated supervisor, such employees as it or its designated supervisor may select, and to fix and pay compensation for their services;

(E) Authorized to contract for such architectural, engineering, legal, and other professional services as it may deem necessary;

(F) Granted the power to establish and maintain an office or offices for the transaction of its business at such place or places as in its opinion shall be necessary or advisable in carrying out the purposes of this Act;

(G) Authorized and empowered to pay all necessary costs and expenses involved in and incident to the formation and organization of the Authority and incident to the administration and operation thereof, and to pay all other costs and expenses reasonably necessary or expedient in carrying out and accomplishing the purposes of this Act, within the limits of funds available to the Authority;

(H) Granted the power to adopt, alter or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and the powers granted to it may be enjoyed, and the power to provide for the appointment of such committees as it may deem necessary or expedient;

(I) Authorized, with the approval of the Governor, to enter into and carry out contracts with the State or Federal Government or any department or agency thereof under which said government, department, or agency grants or loans money, materials, property of any kind, services, or technical assistance to the Authority;

(J) Authorized to accept and expend or otherwise utilize such funds, materials, property of any kind, services, or technical assistance as may be granted by the State or Federal Government or any department or agency thereof; and agree to and comply with any reasonable conditions which are imposed upon such grants;

(K) Authorized, with the approval of the Governor, to enter into and carry out contracts with any city or county in the State of North Carolina under which said city or county agrees to furnish for compensation or to grant money, materials, property of any kind, services, or technical assistance to the Authority;

(L) Authorized to accept and expend or otherwise utilize such funds, materials, property of any kind, services, or technical assistance as may be granted by any city or county; and to agree to and comply with any reasonable conditions which are imposed upon such grants;

(M) Authorized to accept and expend or otherwise utilize any gifts, grants, bequests, or devises of money, materials, property of any kind, services, or technical assistance which may be made to the Authority by any private organization or agency or individual;

(N) Authorized, in accordance with the provisions of this Act, to borrow money for any of its corporate purposes and to execute evidence of such indebtedness and to secure the same and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(O) Authorized to establish rules and regulations and fix rates, fees, and other charges for the use of all or any portion of any project which it may construct and operate or for admission to any event, show, exhibition, contest, etc., held therein;

(P) Authorized and empowered to do any and all other acts and things authorized or required to be done by this Act, whether or not included in the general powers mentioned in this Section, and to do any and all other acts and things necessary or convenient to accomplish the purposes set forth in this Act.

Sec. 9. The Authority shall not have the power of eminent domain.

Sec. 10. The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of negotiable revenue bonds of the Authority for the purpose of paying all or any part of the cost of any one or more projects. The principal of and interest on such bonds shall be payable solely from such part of the revenues derived from the operation of all or any part of the properties and facilities of the Authority as may be specified in the resolution for their issuance. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding 40 years from their date or dates of issuance, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. The bonds shall be signed by the chairman of the Authority or shall bear his facsimile signature, and the official seal of the Authority shall be impressed thereon and attested by the secretary-treasurer of the Authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the Authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing

the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

All revenue bonds issued under the provisions of this Act shall be approved and sold by the Local Government Commission in the same manner as municipal bonds are approved and sold by the Local Government Commission, except that the notice of the proposed sale shall be published at least once at least 10 days before the date fixed for the receipt of bids in a newspaper having general circulation in the City of Raleigh and, in the discretion of the Commission, in some other newspaper of general circulation published in the State and in a journal published in New York City devoted primarily to the subject of municipal bonds. If no bid is received, upon such published notice, which is a legal bid and legally acceptable under such notice, the bonds may be sold at private sale at any time within 30 days after the date set for receiving bids given in such notice.

The Local Government Commission may sell revenue bonds issued under the provisions of this Act at less than par and accrued interest, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum (6%) per annum, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any such bonds prior to maturity.

Sec. 11. In the discretion of the Authority, any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received by the Authority, including the proceeds derived from the sale, from time to time, of any surplus property of the Authority, both real and personal. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of the project or projects in connection with which such bonds shall have been authorized, and the custody, safeguarding, and application of all monies. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depository of the proceeds of bonds or of revenues

to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the Authority may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the project or projects for which the bonds were issued.

Sec. 12. The revenues and earnings of the Authority, regardless of whether or not they were produced by the particular project for which bonds have been issued, and any monies derived from the sale of any real or personal property of the Authority, except such part thereof as (a) may be necessary to pay the costs of maintenance, repair, and operation of any project (or projects) and to provide such reserves therefor as may be provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same or (b) may have already been pledged or allocated otherwise, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to and charged with the payments of (a) the interest upon such revenue bonds as such interest shall fall due, (b) the principal of the bonds as the same shall fall due, (c) the necessary charges of paying agent or agents for paying principal and interest, and (d) any premium upon bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the revenues or other money so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of money to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Sec. 13. All monies received pursuant to the Authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the issuance of any bonds or the trust agreement securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such monies shall be deposited shall act as trustee of such monies and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolutions or trust agreement shall provide.

Sec. 14. Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust

agreement, except to the extent that the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Authority or by any officer thereof.

Sec. 15. The Authority is hereby authorized to provide by resolution for the issuance of negotiable revenue refunding bonds of the Authority for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the Authority, for the additional purpose of constructing improvements, extensions, or enlargements of the projects in connection with which the bonds to be refunded shall have been issued. The Authority is further authorized to provide by resolution for the issuance of its revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Sec. 16. Revenue bonds issued under the provisions of this Act, the income therefrom, and any gain realized from the sale thereof shall at all times be free from taxation by the State of North Carolina or any city or county or other political subdivision thereof.

Sec. 17. Revenue bonds issued by the Authority under the provisions of this Act shall not be deemed to constitute a debt or obligation of the State of North Carolina or any of its departments, institutions, agencies, or commissions, or of any city or county or other political subdivision of the State. The issuance of such revenue bonds shall not directly or indirectly or contingently obligate the State or any city or county or other political subdivision thereof to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face setting forth substantially the foregoing provisions of this Section.

Sec. 18. With the approval of the Governor and Council of State, the Department of Administration or any other department or agency of the State of North Carolina may dedicate, sell, lend or lease property to the Authority at its request, upon such terms and conditions as the proper authorities of such department or agency may deem reasonable and fair.

Sec. 19. With the approval of the Governor, any department or agency of the State of North Carolina may agree to furnish to the Authority any services or assistance which it has general authority to render, upon such

terms and conditions as the proper authorities of such department or agency and the Authority may deem reasonable and fair.

Sec. 20. Whenever the governing board of any city or county of the State of North Carolina makes a finding that such political subdivision and its citizens will be specially benefited by the construction and operation of a particular project of the Authority, such governing board may enter into a contract with the Authority under which it agrees to grant specified services, land, materials, facilities, or monies to the Authority pursuant to the authorizations set forth below.

Sec. 21. Regardless of whether or not it enters into a contract as provided in Section 20 hereof, the governing board of any city, county, or other political subdivision of the State may cooperate and assist in the planning, undertaking, or carrying out of a project of the Authority by taking any of the following actions, upon such terms, with or without consideration, as it may determine:

(A) Dedicate, sell, convey, lend, lease, grant, or otherwise transfer to the Authority at its request, all or any part of its interest in any real property (including easements or other rights and privileges) which may be necessary or convenient to the effectuation of the authorized purposes of the Authority;

(B) Provide and construct for the benefit of the project specific facilities such as utilities systems, parking facilities, sewer and drainage facilities, parks, playgrounds and other recreational facilities, or any other works which it has statutory authority to undertake in the area;

(C) Furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places which it has statutory authority to provide in the area;

(D) Plan or replan, zone or rezone the area within which the project is located, in accordance with its statutory powers;

(E) Cause administrative and other services to be furnished to the Authority of the character which the board is otherwise empowered to undertake or furnish for the same or other purposes;

(F) Incur the entire expense, or any part thereof, of any public improvements made by such board in exercising the powers granted by this Section;

(G) Do any and all other things within the scope of its powers necessary or convenient to aid and cooperate in the planning, undertaking, and carrying out of a project of the Authority.

Any sale, conveyance, or agreement provided for in this Section may be made without public notice, advertisement or public bidding, and there shall be no necessity for an order of court or other action or formality different from the regular and normal actions of the board.

Sec. 22. Regardless of whether or not it enters into a contract as provided in Section 20 hereof, the governing board of any city or county of the State may cooperate and assist in the planning, undertaking, or carrying out of a project of the Authority by appropriating funds to the Authority to be used for purposes specified by said governing board. To obtain funds for such purposes, the governing board may, in the manner provided herein, levy taxes and issue and sell its bonds. Any such ex-

penditures shall constitute expenditures for a special purpose in addition to any allowed by the Constitution.

Sec. 23. No governing board of any city or county may levy any tax or issue any bonds for the purposes specified in Section 22 until such levy or issuance of bonds shall have been approved by a majority vote of the qualified registered voters who shall vote thereon at a special election held by the city or county. Said election shall be upon one or both of the following issues:

(A) Whether to levy an annual tax of not less than one cent (1¢) and not more than ten cents (10¢) on each one hundred dollars ($100.00) of assessed valuation of the taxable property within such political subdivision for assistance in providing, maintaining, and operating a stadium project;

(B) Whether to issue bonds of the political subdivision in an amount specified and to levy a tax for the payment of the same, for assistance in providing, maintaining, and operating a stadium project.

Any municipal bond issuance and election relating thereto shall be in accordance with the provisions of Article 28 of Chapter 160 of the General Statutes of North Carolina. Any county bond issuance and election relating thereto shall be in accordance with the provisions of Article 9 of Chapter 153 of the General Statutes. Any election on the levy of a tax shall be conducted as near as may be in accordance with the provisions of said Articles.

Sec. 24. All funds of the Authority shall be deposited in a bank or banks to be designated by the Authority. Funds of the Authority shall be paid out only upon warrants signed by the secretary-treasurer of the Authority and countersigned by the chairman or the acting chairman of the Authority. No warrant shall be drawn or issued disbursing any funds of the Authority except for the purposes authorized by this Act and only when the account or expenditure for which the warrant is to be given in payment has been audited and approved by the board. Any and all net revenues or earnings not necessary or desirable for the operation of the business of the Authority or the retirement of its bonds shall be held subject to the further action of the General Assembly. The Authority may invest surplus funds in State, Federal or other bonds and securities as are approved by law for legal investments for any State agency.

Sec. 25. The premiums on the surety bonds provided for in Section 5 hereof shall be paid as a necessary expense of the Authority.

Sec. 26. On or before the thirtieth day of July in each year the Authority shall make an annual report of its activities for the preceding fiscal year to the Governor. Each such report shall set forth a complete operating and financial statement covering its operations during the year, including the sources from which funds were received and a detailed statement of all expenditures made during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants, and the cost thereof may be treated as part of the cost of construction or operation of the project. The Authority shall prepare an annual proposed budget prior to the beginning of each fiscal year.

Sec. 27. It is intended that the provisions of this Act shall be liberally construed to accomplish the purposes provided for herein, and where strict construction would result in the defeat of the accomplishment of any of the acts herein authorized and a liberal construction would permit or assist in the accomplishment thereof, the liberal construction shall be applied.

Sec. 28. If any Section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remainder of the Act.

Sec. 29. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict. Chapter 917 of the Session Laws of 1959 is hereby specifically repealed and replaced by this Act.

Sec. 30. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 642 CHAPTER 1052

AN ACT TO AMEND CHAPTER 92 OF THE PUBLIC-LOCAL LAWS OF 1961 RELATING TO CHARTER OF THE CITY OF KINSTON.

The General Assembly of North Carolina do enact:

Section 1. Article 6 of Chapter 92 of the Public-Local Laws of 1961 is hereby amended by adding a new subsection (d) as follows:

"(d) That the word 'utilities' as set forth in the Charter of the City of Kinston includes cable television systems as herein defined and the City of Kinston shall have authority to grant upon reasonable terms franchises for the operation of cable television systems, to levy franchise taxes on the business of operating cable television systems, and to prohibit the operation of cable television systems without a franchise. Any franchise granted hereunder may include, but shall not be limited to, provisions for control of rates; for control of the quality, level and availability of service; for limitations upon the territory to be served; and for governing the use of streets. Any franchise granted hereunder may be suspended or revoked, in whole or in part, by the governing body after notice and hearing, for failure to comply with any term, condition or limitation of such franchise. For the purposes of this subsection, 'cable television system' shall mean any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that 'cable television system' shall not mean or include the providing by any person, firm, or corporation of master antenna service only to property owned or leased by such person, firm, or corporation, if no part of any public right of way or easement is used in providing such service. That the City of Kinston shall have authority to construct, operate and maintain such 'cable television systems' within the area of its city limits and in areas served by its electrical distribution system and to make charges to users of such system."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 660 CHAPTER 1053

AN ACT TO PROVIDE FOR THE RIGHT OF WAY WITH REGARD TO VEHICLES MAKING LEFT TURNS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-155 (b) is hereby amended by adding the following sentence at the end thereof:

"Notwithstanding the provisions of this Section and § 20-154, a vehicle making a left turn in front of an approaching vehicle does not have the right of way unless such movement can be completed with safety prior to the arrival of the approaching vehicle, and when the movement cannot be completed with safety, the driver of the vehicle making the left turn shall yield the right of way."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 701 CHAPTER 1054

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROANOKE RAPIDS AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Roanoke Rapids is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF ROANOKE RAPIDS

ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The City of Roanoke Rapids shall continue to be a body politic and corporate under the name of the 'City of Roanoke Rapids', and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees, shall

be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Roanoke Rapids shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Sec. 1.4. Form of Government; Certain General Laws Not Applicable. The form of government of the City of Roanoke Rapids shall be the Council-Manager form, as specified in this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes shall be applicable to the City of Roanoke Rapids.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City shall be those existing at the time of ratification of this Charter and as the same may be altered from time to time in accordance with applicable laws. The City Council shall cause to be prepared a map to be designated 'Map of Roanoke Rapids City Limits,' showing the corporate boundaries as the same may exist as the date of ratification of this Charter. The City Council shall also cause to be prepared a written description of the corporate boundaries as shown on said map, to be designated 'Description of Roanoke Rapids City Limits.' Said map and description shall be retained permanently in the office of the City Clerk as the official map and the description of the corporate boundaries of the City. Immediately upon alterations of the corporate boundaries made pursuant to law from time to time, the City Council shall cause such alterations to be indicated appropriate changes in or additions to said official map and description. Photographic, typed or other copies of said official map or description, certified by the City Clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description. The City Council may provide for the redrawing of the official map and the rewriting of the official description as may from time to time be required. A redrawn map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced.

"ARTICLE III. MAYOR AND CITY COUNCIL

"Sec. 3.1. Composition of City Council. The City Council shall consist of five members to be elected by and from the qualified voters of the City voting at large in the manner provided by Article IV.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by the City Council from among its members, at the first meeting of the Council following the regular election. The Mayor shall be the official head of the City government and shall preside at all meetings of the

City Council. The Mayor shall have the power to vote on all questions coming before the Council, in his capacity as a member thereof, and he shall not have power to vote again in instances wherein there is an equal division among the members on a question. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the City Council shall serve for terms of two years, and the Mayor shall serve as such for the term for which he was elected to the Council. Terms shall begin the day and hour of the organizational meeting following the election, as established by ordinance in accordance with this Charter.

"(b) No person shall be eligible to be a candidate or be elected as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the City.

"(c) If any elected Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Councilman so appointed shall have the same authority and powers as if regularly elected.

"Sec. 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the Council shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect during the term in which it is voted.

"Sec. 3.5. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: 'I, ..., do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of City Councilman of the City of Roanoke Rapids, on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

"(b) The affirmative vote of a majority of the members of the Council shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: 'Be it ordained by the City Council of the City of Roanoke Rapids'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. The regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the City voting at large five Councilmen to serve for terms of two years, or until their successors are elected and qualified.

"Sec. 4.2. Voting. Each voter shall be entitled to vote for five candidates for Councilman. The five candidates who receive the largest numbers of votes shall be declared elected. In case of a tie between opposing candidates, the result shall be determined by lot.

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of City Councilman shall file with the City Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days nor later than 5:00 p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of ten dollars ($10.00), and shall be substantially in the following form: 'I, ...,
do hereby give notice that I am a candidate for election to the office of City Councilman, to be voted upon at the election to be held on .....
....., and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the City of Roanoke Rapids, residing at .....
.....

.....
(Signature)

Witness:..... .....'
(Date)

"Sec. 4.4. Regulation of Elections. All municipal elections shall be conducted in accordance with Article 3 of Chapter 160 of the General Statutes, except as otherwise herein provided.

"ARTICLE V. CITY MANAGER

"Sec. 5.1. Appointment; Compensation. The City Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer of the City and the head of the administrative branch of the City government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the City, but shall reside therein during his tenure of office. No person elected as Councilman shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which he was elected. The City Manager shall serve at the pleasure of the Council and shall receive such salary as the Council shall fix. In case of absence or disability of the Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such absence or disability.

"Sec. 5.2. Chief Administrator. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City. As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney, who shall be appointed as provided in Article VI of this Charter. The City Manager shall report every such appointment and removal to the Council at the next meeting thereof following such appointment or removal. Neither the Mayor nor the Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

"Sec. 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the City; to see that the ordinances, resolutions, and regulations of the Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the Council concerning the affairs of the City as he shall deem expedient; to keep the Council advised of the financial condition and the future financial needs of the City; to attend all meetings of the Council and to prepare and submit to the Council such reports as he may deem expedient or as may be required of him by the Council; and to perform all other duties as may be required of him by the Council.

"ARTICLE VI. CITY ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Term; Compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Council and shall receive such compensation as the Council shall determine.

"Sec. 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, City Council, City Manager, and other City officials with respect to the affairs of the City; to draw all legal documents relating to the

affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the City may be concerned; to attend all meetings of the Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. City Clerk. The City Manager may appoint a City Clerk to keep a journal of the proceedings of the Council and to maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Manager may direct.

"Sec. 7.2. City Tax Collector. The City Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the City, subject to the provisions of this Charter and the ordinances of the City. The Tax Collector shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 7.3. City Accountant. The City Manager may appoint a City Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

"Sec. 7.4. Consolidation of Functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The City Manager may also, with the approval of the City Council, designate a single employee to perform the functions of the named offices, in lieu of appointing several persons to perform the same.

"ARTICLE VIII. FINANCE AND TAXATION

"Sec. 8.1. Custody of City Money. All money received by the City for or in connection with the business of the City government shall be paid promptly into the City depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the Council.

"Sec. 8.3. Delinquent Taxes to General Fund. The City Council may, in its discretion, direct the payment into the General Fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the fiscal year for which they were levied.

"ARTICLE IX. PURCHASES AND CONTRACTS; SALE OF PROPERTY

"Sec. 9.1. Purchases and Contracts. All purchases of apparatus, supplies, materials and equipment, and all contracts for construction or repair work, shall be made in accordance with applicable provisions of the General Statutes.

"Sec. 9.2. Disposal of Surplus Personal Property. The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell, or to direct any of its officers or employees to sell, any personal property which the Council has declared to be surplus property, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars ($500.00) or less;

"(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars ($500.00) but no more than two thousand dollars ($2,000.00); provided, all such bids received shall be recorded on the minutes of the Council;

"(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars ($2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

"ARTICLE X. POLICE

"Sec. 10.1. Jurisdiction Extended.

"(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

"(b) The jurisdiction of the police force is hereby extended to include all City-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Sec. 10.2. Effect of Ordinance on Town Property. All applicable ordinances of the City shall have full force and effect upon and within all City-owned property and facilities, whether located within or outside the corporate limits.

"ARTICLE XI. STREET IMPROVEMENTS

"Sec. 11.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the City Council is hereby authorized to make street im-

provements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

"Sec. 11.2. When Petition Unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

"(a) That the street improvement project does not exceed 1200 lineal feet, and

"(b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

"(c) That it is in the public interest to connect two streets, or portions of a street already improved, or

"(d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided, that assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Sec. 11.3. Street Improvement Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right of way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"Sec. 11.4. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 11.5. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

"ARTICLE XII. SIDEWALKS

"Sec. 12.1. Maintenance of Sidewalks. It shall be the duty of every property owner in the City to keep clean and free of debris, trash, and other obstacles or impediments the sidewalks abutting his property.

"Sec. 12.2. Repair and Cleaning of Sidewalks; Charges. The City Council may by ordinance establish a procedure whereby City forces may remove from any sidewalk any debris, trash, ice, or snow upon failure of the abutting property owner after 24 hours notice to do so. In such event, the cost of such removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

"ARTICLE XIII. REFUSE, WEEDS, AND TRASH

"Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the City to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"Sec. 13.2. Removal of Offensive Matter; Charges a Lien. The City Council may by ordinance establish a procedure whereby City forces may clean, cut and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"ARTICLE XIV. REGULATORY POWERS

"Sec. 14.1. Inspection Fees. In addition to any authority now or hereafter granted to the City Council by general or local law, the City Council is hereby authorized to fix a schedule of fees for building, plumbing, electrical and other inspections required by and performed pursuant to any regulatory codes adopted by the Council.

"ARTICLE XV. CLAIMS AGAINST THE CITY

"Sec. 15.1. Presentation of Claims; Suit Upon Claims.

"(a) All claims or demands against the City of Roanoke Rapids arising in tort shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

"(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within 12 months after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of the damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of

itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

"Sec. 15.2. Settlement of Claims by City Manager. The City Manager may, with the approval of the City Council, settle claims against the City for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements and all such releases shall be approved in advance by the City Attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the City of Roanoke Rapids and to consolidate herein certain Acts concerning the property, affairs, and government of the City. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts; portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs or government of public schools in the City of Roanoke Rapids;.

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any nature.

Sec. 4. The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c. 53, Private Laws, 1897
c. 389, Private Laws, 1901
c. 9, Private Laws, 1907
c. 53, Private Laws, 1931
c. 96, Private Laws, 1931
c. 134, Private Laws, 1931
c. 88, Private Laws, 1935

c. 67, Public-Local Laws, 1937, except Section 3 thereof
c. 57, Public-Local Laws, 1939
c. 125, Session Laws, 1943
c. 412, Session Laws, 1945
c. 186, Session Laws, 1947
c. 668, Session Laws, 1947
c. 800, Session Laws, 1947
c. 2, Session Laws, 1949
c. 3, Session Laws, 1949
c. 569, Session Laws, 1949
c. 162, Session Laws, 1951
c. 254, Session Laws, 1951
c. 472, Session Laws, 1951
c. 180, Session Laws, 1953
c. 348, Session Laws, 1953
c. 197, Session Laws, 1955
c. 275, Session Laws, 1955
c. 155, Session Laws, 1957
c. 107, Session Laws, 1959
c. 33, Session Laws, 1961
c. 133, Session Laws, 1961
c. 34, Session Laws, 1963
c. 133, Session Laws, 1963
c. 249, Private Laws, 1913
c. 250, Private Laws, 1921
c. 72, Private Laws, 1921 Extra Session
c. 167, Private Laws, 1925

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Roanoke Rapids, and all existing rules or regulations of departments or agencies of the City of Roanoke Rapids, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Roanoke Rapids or any of its depart-

ments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 714 **CHAPTER 1055**

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF HARNETT COUNTY TO CONVEY CERTAIN REAL PROPERTY.

WHEREAS, Erwin Mills has heretofore conveyed to the Harnett County Board of Education certain real property without cost to the said Board of Education; and

WHEREAS, a portion of the said real property is in excess of the needs of the Harnett County Board of Education and the said Board of Education desires to reconvey that portion to Erwin Mills; and

WHEREAS, in addition to the foregoing, the Harnett County Board of Education owns a tract of land upon which there is located a principal's house, which said tract of land is located next to Good Hope Hospital, Inc., a non-profit organization; and

WHEREAS, the Harnett County Board of Education desires to sell the tract upon which the principal's house is located to the Good Hope Hospital, Inc., by private sale; and

WHEREAS, neither of the said tracts of land is needed for use for public school purposes; and

WHEREAS, it is the judgment of the Harnett County Board of Education that it would be in the public interest to convey the said tracts as above set out: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Harnett County Board of Education is hereby authorized to convey by good and sufficient deed all its right, title and interest in and to the hereinafter described tract of land to Erwin Mills, Inc., without consideration:

Situated in the Town of Erwin, N. C., on the South side of East "G" Street and adjoining Lot #5 as shown on Section 2 of a map by Pickell & Pickell, a subdivision of the town of Erwin, N. C., and better described as follows: Beginning at an iron stake, said point being located North 89 degrees 51 minutes West 200 feet from the western margin of South 8th Street and the southern margin of East "G" Street, said point being 30.0 feet South of the center of East "G" Street, and runs as the western line of Lot #5 South 0 degrees 09 minutes West 280.70 feet to an iron

stake the southwest corner Lot #5. Thence as a new line with the Board of Education North 89 degrees 51 minutes West 37.50 feet to a new corner. Thence a new line with the Board of Education North 0 degrees 09 minutes East 280.70 feet to an iron stake in the southern margin of East "G" Street a new corner with the Board of Education, thence along the southern margin of East "G' Street South 89 degrees 51 minutes West 37.50 feet to the beginning point, being part of the property deeded by Erwin Mills to the Harnett County Board of Education by deed recorded in Book 365 Page 678, Registry of Harnett County.

Sec. 2. The Harnett County Board of Education is hereby authorized to convey by good and sufficient deed all its right, title and interest in and to the tract of land upon which there is now located a principal's house, being located next to Good Hope Hospital, Inc., to the Good Hope Hospital, Inc., by private sale and upon such terms as the said Board of Education determines to be appropriate.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 719 CHAPTER 1056

AN ACT TO PROVIDE FOR A REFERENDUM IN HALIFAX COUNTY UPON THE QUESTION OF THE APPLICABILITY OF THE 1959 ANNEXATION LAWS.

WHEREAS, in 1947, the General Assembly enacted laws providing for the annexation of additional territories by cities and towns, which said laws applied to cities and towns in Halifax County; and

WHEREAS, under said 1947 Act which is now in force in Halifax County, the people have a right to vote on the incorporation of their property into the cities and towns of said county if at least fifteen per cent (15%) of them petition for the right to vote on the question of extending said corporate limits; and

WHEREAS, in 1959, the General Assembly enacted laws providing the additional and other methods for annexation; and

WHEREAS, the cities and towns in Halifax County were exempted from the 1959 municipal annexation laws by the representatives from Halifax County in the 1959 Session of the General Assembly; and

WHEREAS, under said 1959 municipal annexation laws, the right of the people to vote on the question of incorporating their property within the city and town limits was taken away in the counties which were not exempted from the 1959 Act of the General Assembly; and

WHEREAS, cities and towns in Halifax County now have and have had the power and authority to annex additional territory under the provisions of the 1947 laws; and

WHEREAS, notwithstanding the authority now vested in it, the City of Roanoke Rapids, through its mayor, requested of the State Senator and

Representative from Halifax County that the exemption of Halifax County from the 1959 Extension Act relating to municipalities of 5,000 or more in population be repealed which, among other things, would enable the City of Roanoke Rapids to extend its corporate limits without a vote of the people within the area to be annexed; and in a recent public hearing conducted in Roanoke Rapids, said mayor stated that while he and the city board were particularly interested in repealing said exemption from said Extension Act of cities of 5,000 or more in population, yet they did not oppose cities and towns in Halifax County of less than 5,000 in population being given the same privileges; and

WHEREAS, Weldon, another town in said county, has, through its officials, indicated that Weldon should be treated the same as Roanoke Rapids insofar as annexation laws are concerned; and

WHEREAS, the removal of said exemption would also affect, in addition to Roanoke Rapids and Weldon, Littleton, Scotland Neck, Halifax, Enfield, and Hobgood, and is therefore not a local matter to Roanoke Rapids and Weldon alone; and

WHEREAS, the people of Halifax County who do not live within the corporate limits of any city or town would be directly and vitally affected by changing the annexation laws applicable to the county; and

WHEREAS, the effect of removing the exemption as requested by Roanoke Rapids would be to deprive the citizens who live outside the corporate limits of the right to be heard and to vote on whether or not they should be annexed; and

WHEREAS, the right of every qualified citizen to vote on matters which concern his property rights, way of living, freedom of choice, and fiscal responsibilities should never be abridged or taken away for mere political expediency or for any other reason, the right to be heard and to vote being one of the fundamental privileges and obligations of the citizens, and being his one great protection against ever expanding government and capricious action by politicians; and

WHEREAS, no city or town in Halifax County could be unreasonably damaged by submitting the question to a referendum of the people of the county, both within and without the corporate limits of the cities and towns, so that the citizens of Halifax County might express their wishes in the matter; and

WHEREAS, a vote of the people being the best way to determine the future of the people in this as in other important matters; and

WHEREAS, a special election has already been called, dealing with the county commissioners and board of education, for the same day as the primary elections in 1968, at which time the question on whether Halifax County's exemption from the 1959 annexation laws should be removed can be submitted to the people of the county without great expense and without undue delay: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Board of Elections of Halifax County shall conduct a special election on the same date as the 1968 primary election for county officers at which shall be submitted to the qualified voters of the county the question whether the 1959 municipal annexation laws, Parts 2 and 3

of Article 36 of Chapter 160 of the General Statutes, shall be made applicable to municipalities in Halifax County. No new or special registration shall be required for such special election, and the laws, rules, and regulations applicable to primary elections shall be applicable to the special election, insofar as is possible. At such special election there shall be provided ballots upon which appear the words "For 1959 annexation laws", and "Against 1959 annexation laws", with appropriate squares so that each voter may by his cross (X) mark indicate his preference. If a majority of the votes cast in such special election shall be cast "Against 1959 annexation laws", then Sections 2 and 3 of this Act shall have no force and effect.

Sec. 2. G. S. 160-453.12, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by striking out of the second line thereof the word and punctuation "Halifax,".

Sec. 3. G. S. 160-453.24, as the same appears in the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by striking out of the second line thereof the word and punctuation "Halifax,".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. Subject to the provisions of Section 1 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 720 CHAPTER 1057

AN ACT CREATING THE GASTON REGIONAL PLANNING COMMISSION; PROVIDING FOR ITS ORGANIZATION, POWERS AND DUTIES: CONFERRING UPON CERTAIN GOVERNMENTAL UNITS THE POWER AND AUTHORITY TO ADOPT AND ENFORCE ZONING, SUBDIVISION AND OTHER COMPREHENSIVE REGULATIONS FOR THE PURPOSE OF PROMOTING ORDERLY GROWTH AND SOUND DEVELOPMENT.

The General Assembly of North Carolina do enact:

Section 1. Creation of Regional Planning Commission; authorized procedure. The City of Gastonia and Gaston County may, by agreement of their respective governing bodies, create a Regional Planning Commission to be known as the Gaston Regional Planning Commission and to have and exercise any and all the powers and duties granted in Article 23, Chapter 153, of the General Statutes of North Carolina. Such creation shall be through the adoption by the governing body of each participating governmental unit concerned, acting individually, of a joint resolution, which shall provide for:

(a) The membership of the Commission;

(b) The terms of the members;

(c) Procedure for removing or replacing members;

(d) The compensation, if any, and extent of reimbursement of expenses of members;

(e) The method for determining the financial support to be given the Commission by the governing body of each participating governmental unit concerned; and

(f) The budgetary procedures to be followed.

Said resolution may be modified, amended or repealed at any time through unanimous action of the governmental units concerned.

Sec. 2. Organization of Commission; rules and regulations; committees; meetings. The Commission shall elect a chairman from among its members, shall appoint the attorney of the Commission and shall create and fill such other offices as it may determine. It may employ such personnel as are needed and pay for their services and for other necessary expenses in accordance with the budget approved by the governing bodies concerned. The Commission shall adopt such rules and regulations not inconsistent herewith as it may deem necessary for the proper discharge of its duties. The Commission shall meet regularly at such times and places as may be specified in its rules and regulations, and special meetings may be called pursuant thereto. All meetings shall be open to the public.

Sec. 3. Powers, duties and functions. If the Gaston Regional Planning Commission is created, it shall be empowered to exercise the powers, duties, and functions of:

(a) A County Planning Board or a Joint Planning Board as defined in Section 153-9 (40) and in Article 20B, Chapter 153, of the General Statutes of North Carolina.

(b) A Municipal Redevelopment Commission as defined in Article 37, Chapter 160, of the General Statutes of North Carolina.

(c) A Municipal Planning Board as defined in Sections 160-22 to 160-24 inclusive of the General Statutes of North Carolina.

(d) A Municipal Zoning Commission as defined in Article 14, Chapter 160, of the General Statutes of North Carolina.

Sec. 4. Effect of Creation. If the Gaston Regional Planning Commission is created, it shall supersede any existing Planning Board or Zoning Commission theretofore created and the terms of office of members of such Board or Commission shall terminate at the time specified in the resolution creating the Commission or in the resolution required of additional governmental units coming within the provisions of this Act. When comprehensive planning, zoning, subdivision, or building control regulations recommended by the Gaston Regional Planning Commission are adopted by any participating governmental unit and if the ordinance of adoption so provides, the same shall supersede any existing regulations of a like nature.

Sec. 5. Withdrawal. If the agreement under which the Gaston Regional planning Commission was created is terminated, each governmental unit shall thereupon be free to create its own local planning board of zoning commission and to adopt planning, zoning, subdivision, or building control regulations in accordance with existing statutory authority. If any participating governmental unit withdraws from the provisions of this Act, it shall also be free to create its own planning board or zoning commission and to adopt planning, zoning, subdivision, or building control regulations in accordance with existing statutory authority. A unit may withdraw after giving one year's notice to the other participating units.

Sec. 6. Joint Inspection Department. If the Gaston Regional Planning Commission is formed as provided herein, any county or municipality electing to come within the provisions of this Act may in the resolution of creation or in separate resolutions adopted in the same manner, create a joint inspection department or other agency for the enforcement of any zoning, subdivision, planning or building ordinance or regulation adopted by any participating governmental unit.

Sec. 7. Monetary Application. Any county or municipality electing to come within the provisions of this Act is authorized to make appropriations to support the Gaston Regional Planning Commission and any joint enforcement agency created, including technical staff services therefor.

Sec. 8. Authority to require installation of improvements prior to subdivision approval. In connection with subdivision or platting controls, any participating governmental unit may require the improvement and grading of streets, including the construction and installation of street pavement and storm drainage systems and water and sewer systems, according to approved engineering plans and street profiles, as a condition precedent to approval of the plat. The requirement may provide for tentative approval of the plat prior to such improvement and installation; but any such tentative approval shall not be entered on the plat. The requirement may provide that in lieu of completion of the work and installations prior to final approval of a plat, any participating governmental unit may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the appropriate governmental unit the actual construction and installation of the improvements and utilities within the period specified by the participating governmental unit and expressed in the bond. The appropriate governmental unit is empowered to enforce the bond by all appropriate legal and equitable remedies.

Sec. 9. Retention of Legislative Authority. Any governmental unit joining the Gaston Regional Planning Commission shall retain its legislative authority over all planning, zoning, subdivision, and building control regulations and matters unless such authority is expressly delegated to and accepted by the Gaston County Board of Commissioners pursuant to resolution of the governing bodies concerned.

Sec. 10. Reference of other matters to Gaston Regional Planning Commission. The governing body of any participating governmental unit may by ordinance or resolution, provide for the reference of other matters or class of matters pertaining to planning, zoning, subdivision, and building control regulations to the Gaston Regional Planning Commission before final action is taken by the governmental unit concerned. The Gaston Regional Planning Commission shall conduct the necessary public hearings with respect to such matters as the ordinance or resolution of reference may direct.

Sec. 11. Powers granted herein supplementary. The powers granted by this Act shall be deemed supplementary to any powers heretofore or hereafter granted by any other law, either general, special or local, for the same or a similar purpose, and in any case where the provisions of this Act conflict with or are different from the provisions of such other law, the Gaston Regional Planning Commission and the governing body

of any county or municipality electing to come within the provisions hereof may in their discretion proceed in accordance with the provisions of such other law, or, as an alternative method, in accordance with the provisions of this Act.

Sec. 12. Additions. Any municipality or county may come within the provisions of this Act at any time with the approval of all participating governmental units, after the matter has first been referred to the Gaston Regional Planning Commission for its recommendation, through the adoption of an appropriate resolution by the governing body of such municipality or county, which resolution must contain permission and authorization for the Gaston Regional Planning Commission to exercise the powers and duties set forth herein.

Sec. 13. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 14. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 724

CHAPTER 1058

AN ACT TO CREATE A HISTORIC SITES COMMISSION FOR THE CITY OF RALEIGH; TO DEFINE ITS DUTIES; AND TO PROVIDE OTHERWISE FOR THE ACQUISITION, RESTORATION AND PRESERVATION OF HISTORIC SITES AND BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. Legislative Findings. It is hereby determined and declared as a matter of legislative finding that the historical heritage of this State is among its most valued and important assets. It is the intent of this Act to authorize the Capital City, the City of Raleigh (1) to safeguard the heritage of the municipality by preserving any buildings, structures or areas therein which reflect elements of its cultural, social, economic, political or architectural history, (2) to stabilize and improve property values in such areas, (3) to foster civic beauty, (4) to strengthen the local economy, and (5) to promote the use and preservation of such buildings, structures or areas for the education, welfare and pleasure of residents of the municipality and of the State as a whole.

Sec. 2. Creation of the Raleigh Historic Sites Commission. The City Council of the City of Raleigh may appoint a Historic Sites Commission, said Commission to serve at the pleasure of the Council. Such Commission shall consist of not less than five members. Members shall be appointed for such terms (not to exceed two years, but with eligibility for reappointment) as shall be specified by the City Council. The City Council may, in its discretion, designate the existing Raleigh Historic Sites Commission as the Historic Sites Commission authorized by this Act.

Sec. 3. Powers of the Commission. The Commission shall be authorized to:

(a) Recommend historic sites and areas to the City Council and the adoption of an ordinance relating thereto on the basis of the following

criteria: Historic and cultural significance; suitability for preservation; educational value; cost of acquisition, restoration, maintenance and repair; appraised value; and administrative responsibility of a sponsoring group or individual.

(b) Prepare regulations amplifying the foregoing criteria and clarifying the methods by which it shall exercise the powers conferred herein.

(c) Acquire by gift or purchase any designated historic site or building or area as defined herein or any interest therein to preserve its historic character.

(d) Make appropriate provision for the restoration, preservation and operation of such sites and areas as may be acquired by it or the City of Raleigh.

(e) Recommend the revocation of the designation of any historic site or area when, in its opinion, it should do so.

(f) Develop an educational program to arouse and maintain public interest in historic sites.

(g) Notify the owners of property which has been designated as a historic site of such designation and of its desire to acquire such property for preservation.

(h) The members of the Commission shall serve without compensation.

Sec. 4. Adoption of an Ordinance. Upon completion of the required procedures as herein set out, the City Council of the City of Raleigh may adopt an ordinance designating a historic site or area, such ordinance shall describe the area or site included within such designation by metes and bounds, the name or names of the owner or owners of the property and such other information as the City Council deems necessary. The ordinance shall provide for the erection of a sign on the site setting forth the fact that said site or area has been designated a historic site, said sign to be placed on the site or area itself if the owner will consent. If the owner's consent cannot be obtained, the sign shall be placed on the nearest public right of way to said site or area.

Sec. 5. Required Procedures. No ordinance designating a historic site or area or an amendment thereto shall be adopted until the following procedural steps shall have been taken:

(a) The Raleigh Historic Sites Commission shall make an investigation and report on the historic or architectural significance of any buildings, structures or areas proposed for listing.

(b) The State Department of Archives and History, acting through such agent or employee as may be designated by its director, shall make an analysis of and recommendations concerning such report. This requirement shall be waived in the event the department fails to submit its analysis and recommendations to the municipal legislative body within 60 days after a written request for such analysis has been mailed to it by the clerk to the municipal legislative body.

(c) The Historic Sites Commission and the Raleigh City Council shall hold a joint public hearing on the proposed ordinance. Such hearing shall be advertised at least once in a newspaper generally circulated within the municipality and written notice of the hearing shall be mailed to all owners and occupants of the properties proposed to be listed whose identity and

current mailing address can be ascertained by the exercise of due diligence. All such notices shall be published or mailed not less than 10 days prior to the date set for the hearing.

(d) Following the joint public hearing, the Historic Sites Commission shall make any further recommendations to the City Council which it deems wise. The City Council may thereupon adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary or reject the proposal.

(e) Upon adoption of the ordinance, the owners and occupants of all listed buildings, structures or areas whose identity and current mailing address can be ascertained by the exercise of due diligence shall be given written notification of that fact. A copy of said ordinance shall thereupon be filed in the office of the Register of Deeds of Wake County and said ordinance shall be indexed by property owner's name in the grantor index in said Register of Deeds office.

Sec. 6. Waiting Period. No building which has been declared a historic site by ordinance as herein provided may, after a notice as hereinbefore provided, be demolished or materially altered except upon 60-day written notice to the Historic Sites Commission of such intent in order that the Historic Sites Commission or the City of Raleigh may make any effort to acquire such site or the buildings thereon within such 60-day period for the purpose of preservation.

Sec. 7. Certain Changes Not Prohibited. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic area or property which does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building inspector or similar official shall certify is required by the public safety because of an unsafe or dangerous condition; provided, nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

Sec. 8. Authority to Acquire Historic Buildings. The City of Raleigh may acquire property designated as historic sites or areas but shall pay therefor only out of nontax funds available for that purpose. The general powers granted to the City Council by Section 160-200 (1), (2), (4) and (5) of the General Statutes of North Carolina shall be deemed to include specifically the authority to acquire by fee simple or by lease to maintain, manage or dispose of any property, building or structure designated as a historic site or area by ordinance adopted pursuant to this Act.

Sec. 9. Appropriations. The City of Raleigh is authorized to make appropriations from nontax funds to the Historic Sites Commission of the City of Raleigh in such amounts as it may determine as necessary for the expenses of operation of the Historic Sites Commission and of such other amounts as may be necessary for the acquisition, restoration and preservation of historic sites or of land on which historic buildings are located or to which they may be moved.

Sec. 10. Ownership of Property. All lands or buildings acquired by funds appropriated from the City of Raleigh shall be acquired in the

name of the City of Raleigh and shall be maintained by or under the supervision and control of the City of Raleigh; provided, all lands or structures acquired by the Historic Sites Commission from funds other than those appropriated by the City of Raleigh may be acquired in the name of the Historic Sites Commission, the City of Raleigh, or both.

Sec. 11. Separability. Should any Section, clause or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 12. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict; provided, however, that the Raleigh City Council may elect to proceed either under the provisions of this Act or under any similar provisions of its charter, and this Act shall not be construed to repeal such charter provisions.

Sec. 13. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 169 CHAPTER 1059

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF EAST CAROLINA COLLEGE TO CONSTRUCT AN ADDITION AND IMPROVEMENTS TO FICKLEN STADIUM AT EAST CAROLINA COLLEGE TO PROVIDE ADDITIONAL PERMANENT SEATING FACILITIES; WITH APPURTENANCES AND INCIDENTALS, AND TO ISSUE REVENUE BONDS THEREFOR WITHOUT A PLEDGE OF TAXES OR THE FAITH AND CREDIT OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. Purpose of Act. The purpose of this Act is to authorize the financing of an addition and improvements to Ficklen Stadium at East Carolina College to provide additional permanent seating facilities, with appurtenances and incidentals, at East Carolina College by the issuance of revenue bonds not to exceed the sum of six hundred thousand dollars ($600,000.00) payable out of revenues derived from the operation of said stadium, admission fees from athletic games and student fees collected from students enrolled at said College, without pledging therefor any taxes or the faith and credit of the State or any political subdivision thereof.

Sec. 2. Credit of State Not Pledged. Revenue bonds issued under this Act shall not be deemed to constitute a debt or liability of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the State nor the Board of Trustees of East Carolina College shall be obligated to pay the same or the interest thereon except from revenues as herein defined and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the

payment of the principal of or the interest on such bonds. The issuance of revenue bonds shall not directly or indirectly or contingently obligate the State or any political subdivision thereof to levy or to pledge any taxes whatsoever therefor.

Sec. 3. Definitions. As used in this Act:

A. "board" means the Board of Trustees of East Carolina College or, if said board shall be abolished, the board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers given by this Act to the board shall be given by law;

B. "College" means East Carolina College, in Greenville;

C. "cost", as applied to the project, embraces the cost of construction, the cost of the acquisition of all property, both real and personal, the cost of demolishing, removing or relocating any buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the board, for a period not exceeding one year after completion of such construction, reserves for interest, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction of the project and the financing of such construction;

D. "project" means an addition and improvements to Ficklen Stadium to provide additional permanent seating facilities for approximately 10,000 additional persons, with appurtenances and incidentals, including, but without limiting the generality thereof, the relocation of existing semi-permanent seating facilities, parking facilities, lighting, facilities for newspaper, radio and television coverage, elevators, dressing rooms, first aid facilities, rest rooms, ticket booths, fences and gates, concession facilities, approach roads and other roadways, pedestrian ramps and walks, drainage facilities, traffic control facilities, landscaping, water, sewer and other public facilities, scoreboards, public address and other electronic equipment, and such additional equipment, furnishings, machinery, improvements and property, both real and personal, necessary or convenient for the construction, operation, repair and maintenance of a modern, efficient stadium for the use, accommodation, enjoyment and welfare of the students enrolled at the College, the general public, State agencies and other public and private agencies;

E. "revenues" includes all or any part of the fees, rents, charges and other income and revenues derived from or in connection with the project, receipts of the College from athletic games and student fees collected from students enrolled at the College; and

F. "stadium" means the Ficklen Stadium, including the project.

Sec. 4. General Grant of Powers to Board. The board is authorized, subject to the requirements of this Act:

A. to construct the project and to maintain, repair and operate the stadium and to enter into contracts for the management, lease, use or operation of the stadium or any portion thereof;

B. to issue revenue bonds as hereinafter provided to pay the cost of the project in whole or in part, and to fund or refund the same;

C. to fix and revise from time to time and charge and collect student fees from students enrolled at the College, rates, fees, rents and charges for the use of and for the services furnished by the stadium or any portion thereof, and admission fees for athletic games at the College;

D. to establish rules and regulations for the use of and the services rendered by the stadium;

E. to acquire, hold, lease and dispose of real and personal property in the exercise of its powers and the performance of its duties hereunder and to lease the stadium or any portion thereof for such period or periods of years, not exceeding 40 years, upon such terms and conditions as the board may determine;

F. to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as may be necessary in its judgment in connection with the project or the stadium, and to fix their compensation;

G. to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

H. to receive and accept from any Federal, State or other public agency or from any private agency or agencies or benefactors, including any college alumni or other persons or entities, donations, loans, grants, aid or contributions of either money, property, labor or other things of value, to be held, used and applied only for such aspects of the project or the stadium for which such donations, loans, grants, aid or contributions may be made; and

I. to do all acts and things necessary or convenient to carry out the powers expressly granted by this Act.

Sec. 5. Incidental Powers. The board shall have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracts, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility, pipe line company or other public or private entity in, on, along, over or under the stadium. Whenever the board shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under the stadium should be relocated or should be removed, the owner or operator of such facilities shall relocate or remove the same in accordance with the order of the board; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, required to accomplish such relocation or removal shall be ascertained and paid by the board as a part of the cost of the project.

Sec. 6. Revenue Bonds. The board is hereby authorized to issue, subject to the approval of the Advisory Budget Commission, at one time or from time to time, revenue bonds of the board, not to exceed six hundred thousand dollars ($600,000.00), for the purpose of paying all or any part of

the cost of the project. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the board, and may be made redeemable before maturity, at the option of the board, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this Act, all such bonds shall be deemed to be negotiable instruments under the laws of this State, subject only to the provisions for registration in any resolution authorizing the issuance of such bonds or any trust agreement securing the same. The bonds may be issued in coupon or in registered form, or both, as the board may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the exchange of either coupon bonds or registered bonds without coupons for an equal aggregate principal amount of other coupon bonds or registered bonds without coupons, or both, of any denomination or denominations. The board may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effect the purposes of this Act and otherwise serve the public interest.

The proceeds of the bonds of each issue shall be disbursed in such manner and under such restrictions, if any, as the board may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. Unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, if the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

The resolution providing for the issuance of any bonds hereunder, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the board may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the board may, under like

restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Except as herein otherwise provided, bonds may be issued under this Act, and other powers vested in the board under this Act may be exercised by the board without obtaining the consent of any department, division, commission, board, bureau, or agency of the State, and without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Act.

Sec. 7. Trust Agreement. In the discretion of the board any revenue bonds issued under this Act may be secured by a trust agreement by and between the board and a corporate trustee (or trustees) which may be any trust company or bank having the powers of a trust company within or without the State. Such trust agreement or the resolution providing for the issuance of such bonds may pledge or assign the revenues to be received, but shall not convey or mortgage the stadium or any part thereof. Such trust agreement or resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the holders of such bonds as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the board in relation to the construction of the project and the improvement, maintenance, repair, operation and insurance of the stadium, the student fees, other fees, rents and charges to be fixed and collected, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the board. Any such trust agreement may set forth the rights and remedies of the holders of the bonds and of the trustee or trustees, and may restrict the individual right of action by such holders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the board may deem reasonable and proper for the security of such holders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the project for which such bonds are issued or as an expense of operation of the stadium, as the case may be.

Sec. 8. Revenues. The board is hereby authorized to fix, revise, charge and collect student fees from students enrolled at the College, to fix, revise, charge and collect other fees, rents and charges for the use of and for the services furnished or to be furnished by the stadium, or any portion thereof, and admission fees for athletic games and other public events at the College and to contract with any person, partnership, association or corporation desiring the use of any part or all thereof, and to fix the terms, conditions, fees, rents and charges for such use. Such fees, rents and charges shall be so fixed and adjusted, with relation to other revenues or funds available therefor, as to provide funds at least sufficient, with such other revenues or funds, if any, (a) to pay the cost of

maintaining, repairing and operating the stadium, (b) to pay the principal of and the interest on such bonds as the same shall become due and payable and (c) to create and maintain reserves for such purposes. Such fees, rents and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State. A sufficient amount of the revenues, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the fees, rents and charges and other revenues or other moneys so pledged and thereafter received by the board shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the board, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the board. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement.

Sec. 9. Insurance. Notwithstanding the provisions of any other law, the board may carry insurance on the stadium in such amounts and covering such risks as it may deem advisable.

Sec. 10. Trust Funds. All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. Any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such requirements as are provided in this Act and the resolution authorizing the bonds or the trust agreement securing such bonds.

Sec. 11. Remedies. Any holder of bonds issued under this Act or of any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement or the resolution authorizing the issuance of such bonds, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the board or by any officer thereof, including the fixing, charging and collecting of fees, rents and charges.

Sec. 12. Exemption From Taxation. The exercise of the powers granted under this Act will be in all respects for the benefit of the people of the State and for the furtherance of public education and the commerce and prosperity of the State, and as the operation and maintenance of the stadium by the board will constitute the performance of an essential governmental function, the board shall not be required to pay any taxes or assessments upon such project or any property acquired or used by the board under the provisions of this Act or upon the income from such property, and any bonds issued under this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation by the State and by the municipalities, counties and other political subdivisions in the State.

Sec. 13. Bonds Eligible for Investment. Bonds issued by the board under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

Sec. 14. Bond Anticipation Notes. The board shall have power, at any time and from time to time after the issuance of bonds hereunder shall have been authorized by the board, to borrow money for the purpose for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and within the authorized maximum amount of such bond issue. Bond anticipation notes shall be issued for moneys borrowed under the provisions of this Section, which notes shall be payable solely from the proceeds of the sale of such bonds. Such notes may be renewed from time to time and such notes, including any renewal notes, shall mature not later than five years after the date on which the issuance of such bonds shall have been authorized. Such notes shall be authorized by a resolution of the board or its executive committee and shall be in such denomination or denominations, shall bear interest at such rate or rates not exceeding six per centum (6%) per annum, shall be in such form and shall be executed in such manner, all as the board or its executive committee shall prescribe. Such notes may be sold at either public or private sale or, if such notes shall be renewal notes, may be exchanged for notes then outstanding on such terms as the board shall determine.

Sec. 15. Revenue Refunding Bonds. The board is hereby authorized, subject to the approval of the Advisory Budget Commission, to provide for the issuance of its revenue refunding bonds for the purpose of refunding any bonds then outstanding which shall have been issued by it under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the board,

for the additional purpose of paying all or part of the cost of constructing improvements, extensions or enlargements of the stadium. In case such bonds shall be issued for the purpose or in part for the purpose of refunding outstanding bonds prior to their stated maturity or earliest redemption date, the board must determine either (a) that such refunding will result in savings to the board, taking into account the redemption premium, if any, to be paid and the interest to accrue to such maturity or redemption date, the savings resulting from a reduction in the interest rate borne by the outstanding bonds, any premium or discount on the sale of such refunding bonds and the income to be received from the investment of the proceeds of such refunding bonds, or (b) that such refunding is necessary to avoid a default in the payment of the principal of such outstanding bonds at their stated maturity. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the board in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Sec. 16. Vesting of Authority in Executive Committee of Board. The board may authorize its executive committee to sell any bonds or notes which the board has authorized to be issued under this Act and to perform or cause to be performed such other duties and functions in connection with the construction of the project and the operation and maintenance of the stadium and the issuance of bonds or notes under this Act as the board by resolution may prescribe, subject to such limitations and conditions as the board may impose.

Sec. 17. Miscellaneous. Any action taken by the board under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

Sec. 18. Additional Method. The foregoing Sections of this Act shall be regarded as supplemental and additional to powers conferred by other laws; provided, however, that the issuance of revenue bonds, revenue refunding bonds or bond anticipation notes under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Sec. 19. Act Liberally Construed. This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect the purposes thereof.

Sec. 20. Constitutional Construction. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 21. Inconsistent Laws Inapplicable. All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Sec. 22. Effective Date. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 467 **CHAPTER 1060**

AN ACT TO AMEND PORTIONS OF CHAPTER 165 RELATING TO VETERANS, AND TO REWRITE AND RECODIFY INTO CHAPTER 165 THE PRESENT ARTICLE 15 OF CHAPTER 116 RELATING TO SCHOLARSHIPS FOR VETERANS' CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 165 of the General Statutes, as the same appears in the 1964 Replacement Volume 3D, is hereby rewritten to read as follows:

"Article 1.

"North Carolina Department of Veterans Affairs

"§ 165-1. North Carolina Veterans Commission Renamed. The North Carolina Veterans Commission is hereby renamed the North Carolina Department of Veterans Affairs. The Department shall assume all duties, responsibilities and powers formerly exercised by the Veterans Commission, and shall further exercise those powers and duties prescribed in this Article and elsewhere in the General Statutes.

"§ 165-2. References Changed. Wherever in the General Statutes the words 'North Carolina Veterans Commission' appear, the same shall be stricken out and the words 'North Carolina Department of Veterans Affairs' inserted in lieu thereof.

"§ 165-3. Definitions. Wherever used in this Article, unless the context otherwise requires, the terms defined in this Section shall have the following meaning:

(a) 'Department' means the North Carolina Department of Veterans Affairs, an agency of the government of the State of North Carolina.

(b) 'Board' means the State Board of Veterans Affairs.

(c) 'Director' means the State Director of Veterans Affairs.

(d) 'Veteran' means

(1) For qualifying as a voting member of the State Board of Veterans Affairs and as the State Director of Veterans Affairs, a person who served honorably during a period of war as defined in Title 38, United States Code.

(2) For entitlement to the services of the Department of Veterans Affairs, any person who may be entitled to any benefits or rights under the laws of the United States by reason of service in the Armed Forces of the United States.

(e) 'Veterans Organization' means any organization of veterans which has been chartered by an Act of the United States Congress and is legally constituted and operating in this State pursuant to said Charter.

"§ 165-4. Purpose. The purpose of this Article is to provide assistance to veterans, their families and their dependents, in obtaining or maintaining privileges, rights and benefits to which they are entitled under Federal, State or local laws.

"§ 165-5. State Board of Veterans Affairs.

(a) The Department shall be governed by a State Board of Veterans Affairs.

(b) Membership on the Board shall consist of five voting members and representatives of major veterans organizations, as hereinafter provided:

(1) There shall be five voting members who shall be veterans, and each shall be appointed by the Governor for a five-year term. These terms shall commence in successive years beginning May 17 of each year as previously provided for the Veterans Commission. Initially, the five voting members shall be the same five persons who are serving as voting members of the Veterans Commission at the time of ratification of this Act, and appointments to the Board of Veterans Affairs shall be made as the Veterans Commission terms expire.

(2) Both major political parties in the State shall be represented on the voting membership of the Board.

(3) Each voting member shall continue to serve after the expiration of his term until his successor is appointed and qualifies.

(4) Any vacancy occurring prior to the expiration of a voting member's term shall be filled by appointment by the Governor for the unexpired term.

(5) Failure of a voting member to attend any meetings of the Board within a one-year period shall constitute grounds for disqualification of said member and the Governor may, in his discretion, declare the position vacant and appoint a new member to serve out the unexpired term of the disqualified member.

(6) The Department Commander or official head of each veterans organization shall be, ex officio, a member of the Board, but shall have no vote on matters coming before the Board.

(c) The Board shall select one of its voting members to serve as Chairman.

(d) The Board shall meet four times every calendar year and may be convoked at such other times as the Governor or Chairman may deem necessary.

(e) All members of the Board shall receive a per diem allowance while attending meetings of the Board and shall be allowed travel and subsistence expenses incurred in the discharge of official business. The per diem, travel and subsistence expenses shall be at such rate and in such amount as prescribed by the Director of the Budget pursuant to applicable provisions of law.

"§ 165-6. Powers and Duties of the Department. In furtherance of the stated purpose of this Article, the Department is hereby authorized and empowered to do the following:

(a) To assist veterans, their families, and dependents in the presentation, processing, proof, and establishment of such claims, privileges, rights, and benefits as they may be entitled to under Federal, State, or local laws, rules, and regulations.

(b) To aid persons in active military service and their dependents with problems arising out of said service which come reasonably within the purview of the Department's program of assistance.

(c) To collect data and information as to the facilities and services available to veterans, their families, and dependents and to cooperate with agencies furnishing information or services throughout the State in order

to inform such agencies regarding the availability of (i) education, training and retraining facilities, (ii) health, medical, rehabilitation, and housing services and facilities, (iii) employment and re-employment services, (iv) provisions of Federal, State, and local laws, rules, and regulations affording rights, privileges, and benefits to veterans, their families, and dependents, and in respect to such other matters of similar, related, or appropriate nature not herein set out.

(d) To establish such field offices, facilities and services throughout the State as may be necessary to carry out the purposes of this Article.

(e) To cooperate, as the Department deems appropriate, with governmental, private and civic agencies and instrumentalities in securing services or benefits for veterans, their families, dependents and beneficiaries.

(f) To accept any property, funds, service, or facilities from any source, public or private, granted in aid or furtherance of the administration of the provisions of this Article.

(g) To enter into any contract or agreement with any person, firm, or corporation, or governmental agency or instrumentality in furtherance of the purposes of this Article, and to make all rules and regulations necessary for the proper and effective administration of its duties.

(h) It shall be the duty of the Department to train, supervise and assist the employees of any county, city or town who are engaged in veterans service. Authority is hereby granted the governing body of any county, city or town to appropriate such amounts as it may deem necessary to provide a veterans service program and the expenditure of such funds is hereby declared to be for a public purpose; such program shall be operated in affiliation with this Department and under its supervision as set forth above.

(i) The Department may, in its discretion, contribute to each county an amount not to exceed one thousand dollars ($1,000.00) on a matching basis for any fiscal year for the maintenance and operation of a county veterans service program. Participating counties shall furnish the Department such reports, accountings and other information at such times and in such form as the Department may require.

(j) The Department shall biennially prepare and submit to the Governor and the General Assembly a report of its activities during the preceding two years.

"§ 165-7. Director and Employees.

(a) The full-time management of the Department shall be under the direction of a State Director of Veterans Affairs. The Board shall elect, with the approval of the Governor, the Director who shall be a veteran of competency and ability. He shall serve for such time as his services are satisfactory to the Board and his salary shall be fixed by the Governor, subject to the approval of the Advisory Budget Commission.

(b) The Director may, with the approval of the Board, employ an Assistant State Director of Veterans Affairs and such other personnel as may be necessary effectively to administer the provisions of this Article. In employing such persons, preference shall be given to veterans as defined in § 165-3(d)(1) of this Article.

"§ 165-8. Quarters. The Department of Administration shall provide, in the City of Raleigh, adequate quarters for the central office of the Department of Veterans Affairs. The Department of Veterans Affairs shall procure suitable space for its field offices and other activities pursuant to applicable provisions of law and in accordance with rules adopted by the Governor with the approval of the Council of State.

"§ 165-9. Appropriation. Appropriations for the Department shall be made from the General Fund of the State, and the Governor, with the approval of the Council of State, is hereby authorized and empowered to allocate from time to time from the Contingency and Emergency Fund, such funds as may be necessary to carry out the intent and purposes of this Article.

"§ 165-10. Transfer of Veterans Activities. The Governor may transfer to the Department such funds, facilities, properties and activities now being held or administered by the State for the benefit of veterans, their families and dependents, as he may deem proper; provided, that the provisions of this Section shall not apply to the activities of the North Carolina Employment Security Commission in respect to veterans.

"§ 165-11. Copies of Records to be Furnished to the North Carolina Department of Veterans Affairs.

(a) Whenever copies of any State and local public records are requested by a representative of the North Carolina Department of Veterans Affairs in assisting persons in obtaining any Federal, State, local or privately provided benefits relating to veterans and their beneficiaries, the official charged with the custody of any such records shall without charge furnish said representative with the requested number of certified copies of such records; provided, that this Section shall not apply to the disclosure of information in certain privileged and confidential records referred to elsewhere in the General Statutes of North Carolina, which information shall continue to be disclosed in the manner prescribed by the statute relating thereto.

(b) No official chargeable with the collection of any fee or charge under the laws of the State of North Carolina in connection with his official duties shall be held accountable on his official bond or otherwise for any fee or charge remitted pursuant to the provisions of this Section."

Sec. 2. G. S. 165-13 is hereby amended to read as follows:

"§ 165-13. Definition. As used in this Article, 'Veteran' means any person who may be entitled to any benefits or rights under the laws of the United States, by reason of service in the Armed Forces of the United States."

Sec. 3. G. S. 165-14 is hereby amended by striking out the words "Servicemen's Readjustment Act" at the end of the sentence thereof, and substituting in lieu therefor the words "laws of the United States relating to veterans benefits."

Sec. 4. G. S. 165-15 is hereby amended by striking out the words "Servicemen's Readjustment Act" in line 4 thereof, and substituting in lieu therefor the words "laws of the United States relating to veterans benefits."

Sec. 5. G. S. 165-16 is hereby amended by striking out the words "Servicemen's Readjustment Act", wherever the words appear in the Section, and substituting in lieu therefor the words "laws of the United States relating to veterans benefits."

Sec. 6. G. S. 165-17 is hereby amended to read as follows:

"§ 165-17. Definition. As used in this Article, 'Veteran' means any person who may be entitled to any benefits or rights under the laws of the United States, by reason of service in the Armed Forces of the United States."

Sec. 7. G. S. 165-18(a) is hereby amended by striking out the words "Servicemen's Readjustment Act of one thousand nine hundred and forty-four, or other statutes enacted in the interest of veterans, their families or dependents, and all laws, rules and regulations amendatory or supplemental thereto", contained in lines 7, 8, 9 and 10, and substituting in lieu therefor the words "laws of the United States relating to veterans benefits."

Sec. 8. Article 4 of Chapter 165 of the General Statutes, as the same appears in 1964 Replacement Volume 3D, is hereby rewritten to read as follows:

"Article 4

"Scholarships for Children of War Veterans

"§ 165-19. Purpose. In appreciation for the service and sacrifices of North Carolina's war veterans and as evidence of this State's concern for their children, there is hereby continued a revised program of scholarships for said children as set forth in this Article.

"§ 165-20. Definitions. As used in this Article the terms defined in this Section shall have the following meaning:

(a) 'Veteran' means a person who served as a member of the Armed Forces of the United States in active Federal service during a period of war and who was separated from the Armed Forces under conditions other than dishonorable. A person who was separated from the Armed Forces under conditions other than dishonorable and whose death or disability was incurred (1) as a direct result of armed conflict or (2) while engaged in extra-hazardous service, including such service under conditions simulating war, shall also be deemed a 'veteran' and such death or disability shall be considered wartime service-connected.

(b) 'Armed Forces' means the Army, Navy, Marine Corps, Air Force and Coast Guard, including their reserve components.

(c) 'Active Federal Service' means full-time duty in the Armed Forces other than active duty for training; however, if disability or death occurs while on active duty for training (1) as a direct result of armed conflict or (2) while engaged in extra-hazardous service, including such service under conditions simulating war, such active duty for training shall be considered as active Federal service.

(d) 'Period of war' and 'wartime' shall mean any of the periods or circumstances as defined below:

(1) World War I, meaning (a) the period beginning on April 6, 1917 and ending on November 11, 1918, and (b) in the case of a veteran who

served with the United States Armed Forces in Russia, the period beginning on April 6, 1917 and ending on April 1, 1920.

(2) World War II, meaning the period beginning on December 7, 1941 and ending on December 31, 1946.

(3) Korean Conflict, meaning the period beginning on June 27, 1950 and ending on January 31, 1955.

(4) Any period of service in the Armed Forces during which the veteran parent of an applicant for a scholarship under this Article suffered death or disability (a) as a direct result of armed conflict or (b) while engaged in extra-hazardous service, including such service under conditions simulating war.

(e) 'Child' means a person who has completed high school or its equivalent prior to receipt of a scholarship as may be awarded under this Article and who further meets one of the following requirements:

(1) A person whose veteran parent was a legal resident of North Carolina at the time of said veteran's entrance into the Armed Forces.

(2) A veteran's child who was born in North Carolina and has lived in North Carolina continuously since birth. Provided, that the requirement in the preceding sentence as to birth in North Carolina may be waived by the North Carolina Department of Veteran's Affairs if it is shown to the satisfaction of the Department that the child's mother was a native-born resident of North Carolina and was such resident at the time of her marriage to the veteran and was outside the State temporarily at the time of the child's birth, following which the child was returned to North Carolina within a reasonable period of time where said child has since lived continuously.

(3) A person meeting either of the requirements set forth in subsections (1) or (2) above, and who was legally adopted by the veteran prior to said person's reaching the age of six years and within 10 years of the veteran's entry on active duty for the period of war under which said person's entitlement to a scholarship is being considered.

(f) 'State Educational Institution' means any educational institution of higher learning which is owned and operated by the State of North Carolina, or any community college operated under the provisions of Article 3 of Chapter 116 of the General Statutes of North Carolina, or the North Carolina School of the Arts.

"§ 165-21. Scholarship. (a) Unless expressly limited elsewhere in this Article, a scholarship granted pursuant to this Article shall consist of the following benefits in any State supported institution of higher education, including the Community Colleges and the college program of the North Carolina School of the Arts:

(1) Tuition.

(2) A reasonable board allowance.

(3) A reasonable room allowance.

(4) Such other items and institutional services as are embraced within the so called institutional matriculation fees and other special fees and charges required to be paid as a condition to remaining in said institution and pursuing the course of study selected.

(b) Only one scholarship may be granted pursuant to this Article with respect to each child and it shall not extend for a longer period than four academic years, which years, however, need not be consecutive.

"§ 165-22. Classes or Categories of Eligibility Under Which Scholarships May be Awarded. (a) A child, as defined in this Article, who falls within the provisions of any eligibility class described below shall, upon proper application be considered for a scholarship, subject to the provisions and limitations set forth for the class under which he is considered:

(1) Class I-A: Under this class a scholarship shall be awarded to any child whose veteran parent

a. Was killed in action or died from wounds or other causes not due to his own wilful misconduct while a member of the Armed Forces during a period of war, or

b. Has died of service-connected injuries, wounds, illness or other causes incurred or aggravated during wartime service in the Armed Forces, as rated by the United States Veterans Administration.

(2) Class I-B. Under this class a limited scholarship providing only those benefits set forth in Section 165-21 (a) (1) and (4), and Section 165-21 (b) of this Article, shall be awarded to any child whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of, is or was at the time of his death receiving compensation for a wartime service-connected disability of one hundred per cent (100%) as rated by the United States Veterans Administration. Provided, that if the veteran parent of a recipient under this class should die of his wartime service-connected condition before the recipient shall have utilized all of his scholarship eligibility time, then the North Carolina Department of Veterans Affairs shall amend the recipient's award from Class 1-B to Class 1-A for the remainder of the recipient's eligibility time. The effective date of such an amended award shall be determined by the North Carolina Department of Veterans Affairs, but, in no event, shall it predate the date of the veteran parent's death.

(3) Class II: Under this class a scholarship may be awarded to not more than one hundred children yearly, each of whose veteran parent, at the time the benefits pursuant to this Article are sought to be availed of,

a. Is or was at the time of his death receiving compensation for a wartime service-connected disability of thirty per cent (30%) or more, but less than one hundred per cent (100%), as rated by the United States Veterans Administration, or

b. Is or was at the time of his death receiving wartime compensation for a statutory award for arrested pulmonary tuberculosis, as rated by the United States Veterans Administration, or

c. Was a prisoner of war for a period of at least six months and who was wounded in combat against an enemy of the United States of America during the time of war and is or was at the time of his death receiving compensation for a wartime service-connected disability of twenty per cent (20%) or more, as rated by the United States Veterans Administration.

(4) Class III: Under this class a scholarship may be awarded to not more than one hundred children yearly, each of whose veteran parent, at

the time the benefits pursuant to this Article are sought to be availed of, is or was at the time of his death drawing pension for permanent and total disability, nonservice-connected, as rated by the United States Veterans Administration.

"§ 165-22.1. Administration and Funding. The administration of the scholarship program shall be vested in the North Carolina Department of Veterans Affairs, and the disbursing and accounting activities required shall be a responsibility of the Department of Administration. The Department of Veterans Affairs shall determine the eligibility of applicants, select the scholarship recipients, establish the effective dates of scholarships, maintain necessary records, and promulgate such rules and regulations not inconsistent with the other provisions of this Article as it deems necessary for the orderly administration of the program. It may require of State educational institutions, as defined in this Article, such reports and other information as it may need to carry out the provisions of this Article. The Department of Administration shall disburse scholarship payments for recipients certified eligible by the Department of Veterans Affairs upon certification of enrollment by the enrolling institution.

Funds for the support of this program shall be appropriated to the Department of Administration as a reserve for payment of the allocable costs for room, board, tuition, and other charges, and shall be placed in a separate budget code from which disbursements shall be made. In the event the said appropriation for any year is insufficient to pay the full amounts allocable under the provisions of this Article, such supplemental sums as may be necessary shall be allocated from the Contingency and Emergency Fund. The method of disbursing and accounting for funds allocated for payments under the provisions of this Act shall be in accordance with those standards and procedures prescribed by the Director of the Budget, pursuant to the Executive Budget Act.

Allowances for room and board shall be at such rate as the Director of the Budget may determine to be reasonable."

Sec. 9. Those persons who have been granted a scholarship under the proviso of G. S. 116-150, as the same appears in 1966 Replacement Volume 3A of the General Statutes, and who attend a State educational institution on or after July 1, 1967, shall be entitled for the remainder of their period of scholarship eligibility to those benefits now provided for in Class I-B, as that class is defined in G. S. 165-22(a)(2). All other persons who have been granted a scholarship under G. S. 116-150, as the same appears in the 1966 Replacement Volume 3A of the General Statutes, excluding those covered by the proviso referred to in the preceding sentence, and who attend a State educational institution on or after July 1, 1967, shall be entitled for the remainder of their period of scholarship eligibility to those benefits now provided for in G. S. 165-21.

Sec. 10. Article 15 of Chapter 116 of the General Statutes, as the same appears in 1966 Replacement Volume 3A, and all other laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 706 **CHAPTER 1061**

AN ACT TO INCORPORATE THE TOWN OF CRAMERTON IN GASTON COUNTY, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The inhabitants of the Town of Cramerton in Gaston County, within the boundaries hereinafter established in Section 2 of this Charter or as hereafter established in the manner provided by law, are hereby incorporated under the name of the Town of Cramerton, and the same is hereby created a body politic and corporate and shall hereafter possess all the corporate powers and be subject to all the provisions contained in Chapter 160 of the General Statutes of North Carolina and other general laws of the State relating to cities and towns, and all such provisions that are not inconsistent with this Act are hereby made a part of the same.

Sec. 2. The boundaries and corporate limits of said Town of Cramerton shall be as follows:

"Situated in South Point Township, Gaston County, described as follows:

"BEGINNING at a point in center of the bridge of U. S. Highway No. 29-74 (Wilkinson Boulevard) over the South Fork of Catawba River; thence North 51 degrees 22 minutes West 129.7 feet to an iron pin on the western edge of said river, the southeast corner of Lot No. 8 on map recorded in Plat Book 14, Page 21 owned by H. E. O'Shields; thence North 84 degrees 39 minutes West with said property 425.00 feet to an iron bolt in the center of U. S. Highway No. 29-74; thence with the center line of the said highway the following four courses and distances: North 74 degrees 55 minutes West 614.95 feet; North 70 degrees 45 minutes West 290.93 feet; North 61 degrees 26 minutes West 342.20 feet; North 51 degrees 21 minutes West 325.70 feet to a cross mark in the center of said highway at the intersection of Cramerton-McAdenville Rd., State Route No. 2209; thence with the center line of State Route No. 2209 South 39 degrees 30 minutes West about 240 feet to intersection of the North line of Lot No. 1, J. W. Groves subdivision as recorded in Plat Book 2, Page 17, extended; thence with said line North 65 degrees 15 minutes West along the North line of Lot No. 1 owned by W. B. Wolf and along North line of West First Street 354.5 feet to the northwest intersection of West First and Groves Street; thence South 39 degrees 30 minutes West with West right of way of Groves Street 724.0 feet to the South corner of Lot No. 99 of said subdivision; thence South 19 degrees 30 minutes West continuing with West side of Groves Street to its intersection with South line of West Second Street about 220 feet to the northwest corner of Lot No. 39 of said subdivision; thence continuing South 19 degrees 30 minutes West, with the West line of Lots 39 through 43 of said subdivision plat, owned by Furman Cooke, about 400 feet to an iron bolt in the center of State Route No. 2209 overhead bridge over the Southern Railroad; thence South 48 degrees 31 minutes West 125.05 feet to an iron bolt in the center of said State Route No. 2209; thence South 59 degrees 05 minutes West 404.97 feet to an iron pin on the South side of State Route No. 2209, the northern corner of Cramer-

ton Freewill Baptist Church property; thence South 80 degrees 13 minutes 14 seconds West 203.61 feet to a bolt in the intersection of Woodlawn Street State Route No. 2481 and State Route No. 2209; thence South 74 degrees 57 minutes West with State Route No. 2209 McAdenville Road 769.0 feet to an iron bolt in the center of said road; thence South 33 degrees 31 minutes West 122.75 feet to an iron pin, an old corner on the South side of said road the northern corner of Gaston County 44-acre tract; thence South 31 degrees 23 minutes East with said tract 424.14 feet to an iron pin an old corner; thence South 37 degrees 08 minutes East with said tract 882.28 feet to an old stone corner; thence continuing South 37 degrees 08 minutes East with said tract 1238.45 feet to the southeast corner of said tract, marked by an iron pipe designated as corner no. 58 on map entitled 'The Cramer property' as recorded in Plat Book 16, Page 52; thence following the southern boundary of said plat and referring to corners designated by numbers on said plat the following 57 courses: South 54 degrees 00 minutes West with the aforementioned Gaston County 44-acre tract 808.36 feet to corner no. 57 marked by an iron pipe; thence North 35 degrees 45 minutes East with said county tract 1023.00 feet to a concrete monument corner no. 56 at a branch; thence South 22 degrees 15 minutes West with John M. Gaston, Sr. property down branch 82.50 feet to corner no. 55; thence South 31 degrees 15 minutes West with said property down branch 66.00 feet to corner no. 54; thence South 12 degrees 15 minutes West with said property down branch 231.00 feet to corner no. 53; thence South 39 degrees 45 minutes West with said property down branch 107.25 feet to corner no. 52; thence South 81 degrees 15 minutes West with said property down branch 82.50 feet to corner no. 51; thence South 69 degrees 15 minutes West with said property down branch 82.50 feet to corner no. 50 at mouth of branch at Duhart Creek; thence South 59 degrees 15 minutes East-West with said property crossing Duhart Creek 66.0 feet to a concrete monument and stone approximately 50 feet on the West side of Duhart Creek corner no. 49 being also the northern corner of S. F. Rollins property; thence South 18 degrees 00 minutes East with said property 184.35 feet to a cross marked in branch, corner no. 48; thence South 42 degrees 32 minutes 50 seconds East with said property 115.50 feet to eastern corner of S. F. Rollins property and the northern corner of Wilbert B. Nichols property marked by an iron pipe on West side of Duhart Crek, corner no. 47; thence South 68 degrees 32 minutes 50 seconds East with North line of said Nichols property 429.00 feet to the eastern corner of same marked by a concrete monument on West side of Duhart Creek, corner no. 46; thence South 02 degrees 27 minutes 10 seconds West with said property 429.00 feet to a concrete monument on bank of Spring Branch about 50 feet southwest of Duhart Creek, corner no. 45; thence South 42 degrees 54 minutes 45 seconds West continuing with said property 338.25 feet up Spring Branch corner of said property to corner of Church Armstrong property marked by an iron pipe on southeast bank of branch, corner no. 44; thence continuing with said Armstrong property the following: South 11 degrees 45 minutes 20 seconds East 982.37 feet to an iron pipe in a pile of stones with pointers, corner no. 43;

thence North 86 degrees 49 minutes 15 seconds West 1587.85 feet to an iron pipe and stone monument, corner no. 42; thence South 07 degrees 09 minutes 40 seconds East 525.57 feet to an iron pipe and stone monument, corner no. 41; thence South 31 degrees 06 minutes 30 seconds East crossing a branch 108.80 feet to corner of C. H. Armstrong and Preston Taylor property marked by an iron pipe in a White Oak stump on southeast bank of branch, corner no. 40; thence South 28 degrees 08 minutes 15 seconds East with Preston Taylor's northeast line 477.21 feet to an iron pipe, corner no. 39; thence South 25 degrees 51 minutes 30 seconds West with Preston Taylor's southeast line 432.88 feet to northern corner of Sloan H. Stone property marked by an iron pipe, corner no. 38; thence South 51 degrees 46 minutes 10 seconds East with Stone's North/East line and northeast line of Hubert V. Hanna 1752.14 feet to northeast corner of Hanna tract marked by an iron pipe, corner no. 37; thence South 36 degrees 14 minutes 30 seconds West with Hanna tract 1359.00 feet to an iron pipe corner of Leonard B. Ratchford's property, corner no. 36; thence South 17 degrees 17 minutes 10 seconds East with said Ratchford's northern line 297.00 feet to an iron pipe, corner no. 35; thence South 69 degrees 24 minutes 40 seconds East with said tract 720.98 feet to an iron pipe, corner no. 34; thence South 47 degrees 54 minutes 15 seconds East with said tract 208.66 feet to an iron pipe on the North side of access road, corner no. 33; thence South 20 degrees 36 minutes 25 seconds West with Ratchford's tract and said access road 687.00 feet to an iron pipe in said road his corner, at State Route No. 2302 (New Hope Road) corner no. 32; thence North 82 degrees 17 minutes 50 seconds East with said road 562.29 feet to an iron pipe in North right of way of said road corner no. 31; thence South 58 degrees 07 minutes 40 seconds East with North right of way of said road 380.75 feet to an iron pin in right of way of State Route No. 2302, corner no. 30; thence North 25 degrees 51 minutes 20 seconds East with northwest line of Miles Hammrick Subdivision as recorded in Plat Book 4, Page 139 a distance of 431.75 feet to a railroad spike in the North side of State Route No. 2517, corner no. 29; thence South 70 degrees 41 minutes 20 seconds East with State Route No. 2517 a distance of 1300.00 feet to an iron pipe, corner no. 28 being corner of Parks Duff Subdivision; thence North 35 degrees 55 minutes 30 seconds West with said property 390.00 feet to corner of same marked by a concrete monument, corner no. 27; thence North 53 degrees 04 minutes 30 seconds East with said property 50.00 feet to corner of same marked by a concrete monument, corner no. 26; thence South 42 degrees 44 minutes 30 seconds East with said property crossing State Route No. 2517 a distance of 885.33 feet to old Park Duff's and Howard Smith property corner marked by an iron pipe in a branch, corner no. 25; thence South 42 degrees 44 minutes 30 seconds East with Howard Smith property 445.50 feet to an iron pipe, corner no. 24; thence South 39 degrees 32 minutes 50 seconds East continuing with Howard Smith property 573.70 feet to corner of Nancy Smith property marked by an iron pipe, corner no. 23; thence South 44 degrees 05 minutes 50 seconds East with said property 258.61 feet to corner of Hattie Hart property marked by an iron pipe, corner no. 22 in right of way of American Tel and Tel Co.;

thence North 41 degrees 17 minutes East with West line of Hattie Hart's property 1172.41 feet to corner of same in State Route No. 2517 extended marked by an iron pipe, corner no. 21; thence South 52 degrees 45 minutes 20 seconds East with said property and road 257.21 feet to square iron rod, corner no. 20; thence South 77 degrees 52 minutes 30 seconds East continuing with said property and road 383.84 feet to an iron pin, corner no. 19; thence South 67 degrees 53 minutes 40 seconds East with property of Hattie Hart and Issac Reid 993.72 feet to Reid's corner marked by an iron pipe, corner no. 18; thence North 33 degrees 01 minute 20 seconds East with Reid's property 131.00 feet to his corner marked by an iron pipe in branch, corner no. 17; thence South 58 degrees 11 minutes East with Reid's property 191.03 feet to his corner, a 36-inch Red Oak, corner no. 16; thence South 22 degrees 25 minutes 43 seconds West with Reid's property 230.62 feet to Reid's corner marked by an iron pipe, corner no. 15; thence South 49 degrees 39 minutes 30 seconds East continuing with Reid's property 133.00 feet to his corner marked by a concrete monument, corner no. 14; thence South 37 degrees 21 minutes 55 seconds West with Reid's East line 1115.45 feet to his corner marked by a concrete monument, corner no. 13; thence South 63 degrees 23 minutes 50 seconds East continuing with Reid's line 453.64 feet to his common corner with property of Albert J. Reid and Eunice F. Reid marked by an iron pipe in branch, corner no. 12; thence North 21 degrees 17 minutes 10 seconds East with West line of Eunice F. Reid property 197.36 feet to her corner marked by an iron pipe, corner no. 11; thence South 68 degrees 40 minutes 50 seconds East with said property 575.54 feet to her corner marked by an axle on West side of State Route No. 2519, corner no. 10; thence North 18 degrees 30 minutes 50 seconds East with said road and property of R. B. Hand 296.80 feet to an old corner on northwest side of State Route No. 2519 marked by an iron pipe, corner no. 9; thence North 37 degrees 58 minutes 50 seconds East crossing and recrossing State Route No. 2519 with property of R. B. Hand and Johnny R. Ferguson 792.41 feet to the latter's corner with John C. McCraw marked by an iron pipe, corner no. 8; thence North 28 degrees 04 minutes 30 seconds East with northwest line of McCraw and R. B. Hand property 506.58 feet to old corner marked by an iron pin in the center of State Route No. 2519, corner no. 7; thence with center of said road as follows: North 24 degrees 31 minutes 30 seconds West 360.00 feet to corner no. 6; North 17 degrees 32 minutes West 100.00 feet to corner no. 5; North 02 degrees 17 minutes 30 seconds West 100.00 feet to corner no. 4; North 11 degrees 04 minutes East 100.00 feet to corner no. 3; North 18 degrees 53 minutes 30 seconds East 102.00 feet to corner no. 2 marked by an iron pin at the center of southwestern abutment of Armstrong Bridge of State Route No. 2519, crossing South Fork of the Catawba River; thence North 18 degrees 45 minutes 30 seconds East with center line of Armstrong Bridge 251.42 feet to center of South Fork of Catawba River, corner no. 1; thence North 19 degrees 04 minutes East continuing across river with center line of State Route No. 2519 (Armstrong Ford Road) 923.5 feet to point in center of road; thence continuing with center of said road and property of Duke Power Company the following: North 29 degrees 03 minutes East 1036.1 feet;

North 34 degrees 39 minutes East 663.5 feet; thence North 48 degrees 14 minutes East with center line of said road and with property of Duke Power Company and Sallie A. Clarke to point in road; thence North 70 degrees 09 minutes East with center line of said road and Sallie A. Clarke 229.45 feet to a cross mark in the center of road; thence North 08 degrees 14 minutes East leaving said road and with West line of said Clarke property 154.8 feet to her corner with Ruth L. Cathey property marked by a stone monument; thence North 8 degrees 34 minutes East with West line of Cathey property 596.83 feet to her corner marked by an iron pipe; thence South 84 degrees 41 minutes 10 seconds East with North line of Cathey property 922.24 feet to a railroad spike in center line of State Route No. 2519; thence North 47 degrees 52 minutes 30 seconds East with center line of said road 186.80 feet to a railroad spike in center line of said road; thence North 52 degrees 45 minutes 40 seconds West with line of Heritage Development Company property 1186.17 feet to an old corner marked by a 2-inch iron pipe in rock pile; thence North 85 degrees 45 minutes 30 seconds West with said line to an iron pipe at a 36-inch pine stump, and old corner; thence North 27 degrees 47 minutes 10 seconds West with said line 441.51 feet to an old corner marked by an iron pipe in Persimmon stump; thence North 06 degrees 07 minutes East with said line 766.26 feet to a corner in Belmont Hosiery Mills, Inc. line lying North 31 degrees 26 minutes West 98.07 feet from their old corner which is marked by an iron pipe; thence North 31 degrees 26 minutes West with line of Belmont Hosiery Mills, Inc. West line 808.25 feet an old iron pipe in South right of way line of Eagle Mill Road State Route No. 2565; thence North 31 degrees 26 minutes West with said line 35.25 feet to steel pin set in center line of said road; thence with center line of said road along property of Eagle Yarn Mill property the following: North 82 degrees 37 minutes West 222.55 feet to nail; North 79 degrees 44 minutes West 134.00 feet to nail; North 76 degrees 37 minutes West 158.19 feet to nail; North 74 degrees 10 minutes West 120.44 feet to nail; North 72 degrees 42 minutes West 320.45 feet to iron set in center line intersection of State Route No. 2565 and Southern Railroad; thence southeasterly with center line of Eagle Mill Road (State Route No. 2565) about 1000 feet to intersection with Lakewood Road (State Route No. 2014); thence northwardly along center of Lakewood Road (State Route No. 2014) about 3000 feet to intersection with southern right of way of U. S. Highway No. 29-74 (Wilkinson Boulevard); thence eastwardly with southern right of way U. S. Highway No. 29-74 about 1800 feet to an old corner marked by an iron pin on South side of said U. S. Highway No. 29-74 in West line of Frank P. Hall Subdivision as recorded in Plat Book 7, Page 57; thence North 25 degrees 45 minutes West with West line of Frank P. Hall Subdivision as recorded in Plat Book 8, Page 63 a distance of 1596.07 feet to an old corner in Pine stump at South side of Peach Orchard Road State Route No. 2014; thence South 52 degrees 23 minutes West along and crossing said road with properties of Bessie Rankin, Donald T. Rankin, W. F. Abee, Hattie Bridges, and R. Elmer Lineberger 883.83 feet to the latter's southern corner marked by a twin Pine on North side of State Route No. 2014; thence North 38 degrees 52 minutes

West with R. E. Lineberger's southwest line 351.65 feet to his northwest corner; marked by an iron pin; thence North 48 degrees 52 minutes East to northern corner of said property in line of Bessie Rankin property a distance of 119.02 feet marked by an iron pipe; thence North 83 degrees 51 minutes West with line of Rankin lands 386.99 feet corner in J. Harold Lineberger's line, marked by an iron pin; thence South 46 degrees 16 minutes West with Lineberger's line 496.84 feet to old corner marked by an iron pin in right of way of Duke Power Company transmission line; thence North 18 degrees 51 minutes West with J. Harold Lineberger's West line 911.20 feet to his corner, marked by an iron pin in said right of way; thence North 18 degrees 51 minutes West with old line about 20 feet more or less to McAdenville Corporation line; thence with McAdenville City Limit line (with a curve concave to the northwest) southwesterly (having a radius of 2640 feet) about 600 feet more or less to the center of the South Fork of the Catawba River; thence with center line of said river southwesterly down stream about 1570 feet to center line of bridge of U. S. Highway No. 29-74 (Wilkinson Boulevard) over said river, the point of BEGINNING."

Reference is made to composite descriptions of Burlington Mills Corporation, Cramerton Division, Cramerton, North Carolina, on maps prepared by Southern Mapping and Engineering Company, dated August 21, 1946 (revised August 21, 1962, and October 9, 1962), and to current supplementation and revisions March-April, 1967.

It is also the intent and purpose of this description to include in the above-described corporate limits the following:

(1) The entire right of way of State Route No. 2519 from the southern corner of Heritage Development Company property southwesterly crossing Armstrong Bridge and continuing southwesterly to the northeast corner of Eunice F. Reid property, corner no. 10 of the above description.

(2) The entire right of way of State Route No. 2302 from corner no. 29 along Miles Hamrick Subdivision as recorded in Plat Book 4, Page 139, and continuing eastward to terminus of said road near corner no. 19.

(3) The entire right of way of State Route No. 1208 from the northeast corner of above-mentioned Gaston County 44-acre tract northeastward to intersection of State Route No. 1208 with U. S. Highway No. 29-74 (Wilkinson Boulevard).

(4) The entire right of way of U. S. Highway No. 29-74 from State Route No. 1208 intersection eastward to center line of State Route No. 2014 (Lakewood Road).

(5) The entire right of way of State Route No. 2302 (New Hope Road) between corner no. 30 and corner no. 32 of the above description.

(6) The entire right of way of State Route No. 2565 (Eagle Mill Road) between property of Belmont Hosiery Mill, Inc. property line westward about 1955 feet to Lakewood Road (State Route No. 2014).

(7) The entire right of way of State Route No. 2014 (Lakewood) from U. S. Highway No. 29-74 southward to State Route No. 2565 (Eagle Mill Road).

Sec. 3. The officers of the Town of Cramerton shall consist of a Mayor and five Commissioners, who shall constitute the governing body

of said municipality. The following members of the governing body are hereby appointed to serve from the effective date of this Act, until their successors are duly elected and qualified as hereinafter provided: J. Paul Featherston, Mayor; Albert Reece, Parks Featherston, Millie Malone, G. M. Michaels and L. P. Martin, Commissioners.

Sec. 4. As a body politic and corporate by the name of Cramerton, Gaston County, North Carolina, said municipality shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without said boundary lines for any municipal purpose, in fee simple or lesser estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, hold, manage and control such property as its interest may require, and except as may be prohibited by the Constitution of the State of North Carolina or the general municipal laws of North Carolina, the Town of Cramerton shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature, whatsoever, as provided under Chapter 160 of General Statutes, including the following:

(1) To levy, assess and collect taxes when and if necessary, and to borrow money within the limits and regulations prescribed by the general municipal and fiscal laws of North Carolina and the Constitution thereof; to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire by condemnation or otherwise, within or without corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for protection of other communities; and to grant local public utility franchises and regulate the exercises thereof.

(3) To make local public improvements and to acquire, by condemnation or otherwise, property necessary.

(4) The Board of Commissioners of the Town of Cramerton is authorized and empowered to exercise any and all powers of planning and zoning conferred upon municipal corporations by the General Statutes of North Carolina.

(5) The jurisdiction of all police and law enforcement officers, if any, shall extend throughout the area within corporate limits and beyond to such extent provided by the General Statutes of North Carolina.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with the general laws.

(7) To issue bonds for the purposes and in the manner prescribed by the general laws of the State of North Carolina for the issuance of bonds by municipalities.

(8) Enumeration of powers above shall not be deemed exclusive, but it is intended that the Town of Cramerton shall have, and may exercise, all powers which, under the Constitution of the State of North Carolina and the general laws of North Carolina, it would be competent for this Charter to enumerate.

Sec. 5. Governing Board. The powers of the town shall be vested in a board of commissioners of five members and a Mayor nominated and elected from the town at large in the manner hereinafter provided. Term

of office shall be for a period of two years and until their successors are elected and qualified, except that the initial board herein appointed shall serve from effective date of this Act, upon taking required oath hereinafter provided, until the next regular municipal election. Vacancy in office of Mayor or Commissioner shall be filled by the board of commissioners for the unexpired term. The Mayor and each member of the board of commissioners shall receive such salary as prescribed by ordinance.

Sec. 6. Meetings of Board of Commissioners. The first meeting of the board of commissioners shall be held no later than 30 days from the effective date of this Act, at which time all members shall take the oath of office hereinafter prescribed. Thereafter, they shall meet at such regular times as may be prescribed by ordinance. The board shall determine in what manner and upon what notice special meetings may be called. On the day following the next regular municipal election in May, 1969, those elected as Mayor and as members of the board of commissioners, shall meet at 12:00 noon, take oath of office and assume their duties. This shall be the regular procedure after each regular municipal election thereafter. All subsequent meetings shall be held in accordance with this Section.

Sec. 7. Duties, Powers and Quorum. (1) The Mayor shall preside at meetings of the board of commissioners and shall exercise such powers and perform such duties as may be conferred and imposed upon him by the general laws of North Carolina, this Charter and the ordinances adopted, and as generally associated with the office of Mayor. In times of prolonged illness or disability of the Mayor, the board of commissioners may elect one of its number to act as Mayor during such absence on account of illness and/or disability.

(2) The board of commissioners shall determine its own rules and order of business and keep a journal or minute book of its proceedings.

(3) Quorum shall be a majority of the members elected to board of commissioners present and voting. Affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt ordinances, resolutions, orders, or other matters of business.

Sec. 8. Ordinances. The yeas and nays shall be taken upon passage of all ordinances and resolutions and entered upon the journal or official minute book kept of all proceedings. All ordinances, including annual tax levy, appropriations, assessments for local improvements and emergency measures shall take effect as indicated therein except as may be otherwise required by the General Statutes of North Carolina. All ordinances and resolutions, as finally adopted, shall be authenticated by signatures of the Mayor and Town Clerk. Minutes shall be certified or authenticated by the Town Clerk.

Sec. 9. Municipal Elections. (1) The first regular election for choice of Mayor and members of the board of commissioners shall be held on the first Tuesday after the first Monday in May, 1969, and on the first Tuesday after the first Monday in May of each odd-numbered year thereafter. Special elections shall be set and conducted by and under resolution of the board of commissioners.

(2) All elections shall be conducted in accordance with the General Statutes of North Carolina relating to Municipal Elections (Chapter 160, Article 3), except as further modified and provided by this Act.

(3) Any person desiring to become a candidate for election to the office of Mayor or Board of Commissioners of the Town of Cramerton shall at least 15 days prior to said election, file with the Town Clerk a statement of such candidacy in substantially the following form:

"State of North Carolina:
County of Gaston:

I, ... hereby give notice that I reside within the corporate limits of the Town of Cramerton, County of Gaston, State of North Carolina, that I am a candidate for election to the office of ..... to be voted on at the general municipal election to be held on the ..... day of May, 19....., and I hereby request that my name be printed upon the official ballot to be voted in said election.

(Signed).....
Candidate

(Date)
....."

At the time of filing such notice of candidacy, each candidate so filing shall pay the Town Clerk a filing fee of five dollars ($5.00). Proceeds of said filing fees shall be used to defray costs of printing ballots and other election costs. Any candidate may withdraw his notice up to the last day for filing by doing so in writing, but the filing fee shall be forfeited.

(4) All qualified electors in order to be able to vote in a municipal election must be registered in the Town of Cramerton. Registration books shall be open for registration of voters during the fourth, third and second weeks immediately prior to the election, ending on the second Saturday immediately prior to the election. The last Saturday immediately prior to the election shall be Challenge Day. The Registrar shall be at the polling place on the Saturdays of each week above specified from 9:00 a.m. until sunset. The general election laws concerning age, residence and other qualifications shall apply.

(5) On April 1, 1969, and biennially thereafter (except on Monday following should April 1 fall on Sunday), the Mayor and board of commissioners shall cause notice of the election to be posted in three public places in the corporate limits of the Town of Cramerton, and such notice shall state substantially:

(a) The date and polling place.

(b) The names of the Registrar and Judges.

(c) The date and time for opening and closing of the registration books.

(d) Requirements for registration.

(e) Requirements as to filing notice of candidacy.

(6) All properly registered persons shall be entitled to vote for one candidate for Mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates up to the number to be elected who receive the largest number of votes shall be declared elected. The Registrar and Judges shall certify the results of

each election and the same shall be entered in the official minute book of the Town of Cramerton by the Town Clerk.

(7) On the day following each municipal election, those elected to office of Mayor and Commissioners shall meet at the town hall or place designated as the town hall, at 12:00 noon, and there before a Notary Public or other official authorized to administer oaths, take and subscribe to the oath of office hereinafter set out, before assuming their duties.

Sec. 10. Organization. (1) Upon assuming their duties the board of commissioners may appoint a Town Clerk, a Treasurer, a Tax Collector, Town Attorney, a Chief of Police, a Fire Chief, Street and Water Superintendent, and such other officers, employees and personnel as may be necessary, and residence within the corporate limits of the Town of Cramerton shall not be necessary unless so ordered by the board of commissioners. Provided, that the board of commissioners may appoint one person to fill any two or more positions (when not contrary to constitutional provision against double office-holding). Such officers and employees shall serve at the pleasure of the board of commissioners, and shall perform such duties as may be prescribed by the board. The board of commissioners shall fix all salaries, prescribe bonds and require such oaths as they deem necessary.

(2) All monies received by any department or agency of the town shall be put promptly into the town depository as designated by ordinance adopted by the board of commissioners. The board shall designate personnel to receive and handle monies. Disbursement of money shall be only on vouchers signed by the Mayor, or the Town Treasurer, or by such other officers as designated by the board.

(3) Purchases for the town shall be by personnel so authorized, and in the manner authorized by the board of commissioners.

(4) Fiscal year shall run from July 1 through succeeding June 30. As soon as practicable after the close of each fiscal year, the board of commissioners shall have an audit of the town accounts by a qualified public accountant and audit report published upon completion in some newspaper of general circulation in Gaston County, North Carolina.

(5) Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept with the records of the town:

OATH

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Cramerton and will faithfully discharge the duties of the office of ....."

Sec. 11. If any Section, clause or sentence of this Act shall be declared invalid, no other Section, clause or part of this Act shall be affected thereby.

Sec. 12. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 833 CHAPTER 1062

AN ACT REPEALING CHAPTER 535 OF THE 1965 SESSION LAWS AND AMENDING CHAPTER 982 OF THE 1963 SESSION LAWS RELATING TO THE ALLOCATION OF THE NET PROFITS OF THE TOWN OF HAMLET, IN RICHMOND COUNTY, BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 535 of the 1965 Session Laws is hereby repealed.

Sec. 2. Section 6 (b) of Chapter 982 of the 1963 Session Laws is re-written in its entirety to read as follows:

"(b) The Hamlet Board of Alcoholic Control shall allocate from the net profits as follows:

"Ten per cent (10%) of the net profits shall be paid to the general fund of Richmond County to be used for the Richmond Technical Institute.

"Ninety per cent (90%) of the net profits shall be paid to the general fund of the Town of Hamlet for any proper governmental purpose."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 918 CHAPTER 1063

AN ACT TO PROVIDE FOR THE NUMBERING OF SEATS IN THE STATE SENATE AND HOUSE OF REPRESENTATIVES WITHIN MULTI-MEMBER SENATORIAL AND REPRESENTATIVE DISTRICTS AND TO CONSTITUE EACH SEAT A SEPARATE OFFICE.

The General Assembly of North Carolina do enact:

Section 1. A new Section to be numbered G. S. 163-117 is added to Chapter 775 of the Session Laws of 1967 and to read as follows:

"G. S. 163-117. Seats in State Senate and House of Representatives to be Numbered Within Senatorial and Representative Districts; Each Seat a Separate Office. In each Senatorial and Representative District entitled to elect more than one State Senator or member of the State House of Representatives the positions shall bear identifying numbers, as follows: 'Senate Seat 1', 'Senate Seat 2', etc., or 'House Seat 1', 'House Seat 2', etc. Each seat shall be considered a separate office within the terms of G. S. 163-113, 163-122, 163-137, 163-140, 163-151, 163-169, 163-170, 163-175, 163-176, 163-177, 163-179, 163-180, 163-181, and all other provisions of law governing nomination and election. Votes cast for any candidate in a general election shall be effective only for the seat for which he has been nominated by a political party or for which he has filed his independent candidacy under G. S. 163-122."

Sec. 2. G. S. 163-106(d), as it appears in Chapter 775 of the Session Laws of 1967, is amended by adding the following paragraph at the end thereof:

"In any primary in any Senatorial or Representative District entitled to elect more than one State Senator or member of the State House of Representatives, the positions being numbered as provided in G. S. 163-117, each candidate for nomination to the Senate or House of Representatives shall file with the appropriate county board of elections, at the time of filing notice of candidacy, a notice designating by number the seat to which he seeks nomination. Each seat shall be considered a separate office within the terms of G. S. 163-110, 163-114, and 163-115, and all other provisions of law governing nomination and election. No candidate shall be entitled to file for more than one seat. Votes cast for any candidate shall be effective only for the seat for which he has filed."

Sec. 3. G. S. 163-109(c), as it appears in Chapter 775 of the Session Laws of 1967, is amended by inserting the following paragraph immediately preceding the last paragraph thereof:

"County boards of elections in Senatorial and Representative Districts entitled to more than one seat in the State Senate or State House of Representatives shall have ballots for membership in those bodies printed to designate by number the Senate or House seat to which each candidate seeks nomination."

Sec. 4. The provisions of this Act shall not apply to the following House of Representatives Districts: 5, 13, 17, 19, 20, 23, 24, 25, 26, 27, 31, 33, 34, 35, 36, 38, 39, 40, 41, 42, and 47.

Sec. 5. The provisions of this Act shall not apply to the following Senate Districts: 4, 8, 11, 12, 14, 18, 22, 23, 24, 26, 29, 31.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 936 CHAPTER 1064

AN ACT TO ADD ARTICLE 15B TO CHAPTER 15 OF THE NORTH CAROLINA GENERAL STATUTES, RELATING TO THE PRE-TRIAL EXAMINATION OF THE STATE'S WITNESSES AND DOCUMENTARY EVIDENCE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 15, the Criminal Procedure Section of the North Carolina General Statutes is hereby amended by adding the following as a new Article 15B:

"Article 15B

Pre-Trial Examination of Witnesses and Exhibits of the State.

§ 15-155.4. In all criminal cases before the Superior Court, the Superior Court Judge assigned to hold the Courts of the District wherein the case is pending, or the Resident Superior Court Judge of the District, shall for good cause shown, direct the Solicitor or other Counsel for the State to

produce for inspection, examination, copying and testing by the accused or his Counsel any specifically identified exhibits to be used in the trial of the case sufficiently in advance of the trial to permit the accused to prepare his defense; and such Judge shall for good cause shown and regardless of any objection of the Solicitor or other Counsel for the State, direct that the accused or his Counsel be permitted to examine before any Clerk of Superior Court, or any other person designated by the Judge for the purpose, any expert witnesses to be offered by the State in the trial of the case regarding the proposed testimony of such expert witnesses.

Prior to issuance of any order for the inspecting, examining, copying or testing of any exhibit or the examination of any expert witness under this Section the accused or his Counsel shall have made a written request to the Solicitor or other Counsel for the State for such inspection, examination, copying or testing of one or more specifically identified exhibits or the examination of a specific expert witness and have had such request denied by the Solicitor or other Counsel for the State or have had such request remain unanswered for a period of more than 15 days.

§ 15-155.5. Such order for examination of the expert witnesses of the State may contain such protective provisions on behalf of the State or the witnesses as the Judge deems just and reasonable, and may also direct the attendance of such witnesses for such examination."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 972 CHAPTER 1065

AN ACT TO AMEND G. S. 147-50 IN ORDER TO ADD THE BRANCHES OF THE CONSOLIDATED UNIVERSITY AT CHARLOTTE, GREENSBORO, AND RALEIGH TO THE LIST OF INSTITUTIONS NOW FURNISHED COPIES OF PUBLICATIONS BY STATE OFFICIALS AND DEPARTMENT HEADS, AND TO CORRECT THE REFERENCE TO NORTH CAROLINA COLLEGE AT DURHAM.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 147-50 is amended by adding after line five, which lists the University of North Carolina at Chapel Hill, the following:

"University of North Carolina at Charlotte ..... 2 copies
University of North Carolina at Greensboro ..... 2 copies
North Carolina State University at Raleigh ..... 2 copies
East Carolina College at Greenville ..... 2 copies."

(b) Said G. S. 147-50 is hereby further amended by striking out the words "North Carolina College for Negroes" in line ten and in the last two lines of said Section, and inserting in lieu thereof in each place the words "North Carolina College at Durham".

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 981 CHAPTER 1066

AN ACT TO AMEND G. S. 28-105 RELATIVE TO THE PRIORITY OF FUNERAL EXPENSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 28-105, "Second Class", 1965 Cumulative Supplement is hereby further amended by adding a new sentence at the end thereof to read as follows: "The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable funeral expenses which may be incurred; nor shall the preferential limitation of payment in the amount of six hundred dollars ($600.00) be diminished by any Veterans Administration, Social Security or other Federal Governmental benefits awarded to the estate of the deceased or to his or her beneficiaries."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 988 CHAPTER 1067

AN ACT TO PROVIDE FOR NOTICE OF PAYMENTS UPON JUDGMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 1-239 is hereby amended by designating the present provisions thereof as subsection "(a)" and adding the following subsection:

"(b) Upon receipt of any payment of money upon a judgment, the Clerk of Superior Court shall within seven days after the receipt of such payment give notice thereof to the attorney of record for the party in whose favor the judgment was rendered, or if there is no attorney of record to the party. Any other official of any court who receives payment of money upon a judgment shall give notice in the same manner; provided further, that no such monies shall be paid by the Clerk of the Superior Court until at least seven days after written notice by mail or in person has been given to the attorney of record in whose favor the judgment was rendered."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon the date of its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 993

CHAPTER 1068

AN ACT TO PROVIDE FOR CERTIFICATION AND INSPECTION OF CERTAIN DAMS, UNDER THE SUPERVISION OF THE NORTH CAROLINA DEPARTMENT OF WATER RESOURCES.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the Dam Safety Law of 1967.

Sec. 2. Declaration of Purpose. It is the purpose of this Act to provide for the certification and inspection of certain dams in the interest of public health, safety, and welfare, in order to reduce the risk of failure of such dams; to prevent injuries to persons, damage to property and loss of reservoir storage; and to ensure maintenance of stream flows below such dams of adequate quantity and quality.

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(1) "Department" means the North Carolina Department of Water Resources.

(2) "Board" means the North Carolina Board of Water Resources.

(3) "Dam" means the dam (and appurtenant works) for the impoundment or diversion of water, except that it shall not include:

a. Any dam constructed by the United States Army Corps of Engineers, the Tennessee Valley Authority, or any other department or agency of the United States Government, when such department or agency designed or approved plans and supervised construction.

b. Any dam or flood retarding structure constructed with financial assistance from the United States Soil Conservation Service, when said agency designed or approved plans and supervised construction.

c. The exemptions conferred by items a and b of this paragraph shall cease when the supervising federal agency relinquishes authority for operation and maintenance to a local entity.

d. Any dam licensed by the Federal Power Commission, or for which a license application is pending with the Federal Power Commission, or for use in connection with electric generating facilities to be constructed pursuant to a certificate of public convenience and necessity from the North Carolina Utilities Commission.

e. Any dam under a single private ownership, providing protection only to land or other property under such ownership, and posing no threat to life or property below the property under such single ownership.

f. Any dam less than 15 feet in height (measured from original stream bottom to crest of dam) or whose impoundment capacity is less than 10 acre-feet, or any dam costing less than five thousand dollars ($5,000.00).

(4) "Minimum stream flows" or "minimum flows" means stream flows of a quantity and quality sufficient in the judgment of the Department to meet and maintain stream classifications and water quality standards established by the State Stream Sanitation Committee under the North Carolina Stream Sanitation Law and applicable to the waters affected by the project under consideration. In order to ensure that such classifications

and standards shall be met and maintained, the Department may impose such conditions and requirements in orders and written approvals issued under this Act as, in its judgment, may be necessary to this end, including conditions and requirements relating to the release or discharge of designated flows from impoundments, the location or design of water outlets for impoundments and of water intakes, the amount and timing of withdrawal of water from a reservoir, and the construction of submerged weirs or other devices designed to satisfy minimum stream flow requirements.

(5) "Person" includes any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or of any other state or country.

Sec. 4. Construction of Dams. (a) No person shall begin the construction of any dam, as defined by this Act, until at least 10 days after filing with the Department a statement concerning its height, impoundment capacity, purpose, location and other information required by the Department. Persons proposing construction described in Section 3, subparagraphs (3) e. and f. will comply with malaria control requirements of the State Board of Health. If on the basis of this information the Department is of the opinion that the proposed dam is not exempt from the provisions of this Act, it shall so notify the applicant, and construction shall not be commenced until a full application is filed by the applicant and approved as provided by Section 7 of this Act. The Department may also require of applicants so notified the filing of such additional information as it deems necessary, including, but not limited to, streamflow and rainfall data, maps, plans and specifications. Every applicant for approval of a dam subject to the provisions of this Act shall also file with the Department the certificate of an engineer or contractor legally qualified in the State of North Carolina that he is responsible for the design of the dam, and that said design is safe and adequate. Should the applicant have a professional engineering staff the certificate of a registered professional engineer member of that staff legally qualified in the State of North Carolina will constitute compliance.

(b) When an application has been completed pursuant to the preceding subsections, the Department shall refer copies of the completed application papers to the State Board of Health, the Wildlife Resources Commission, the Department of Conservation and Development, the State Highway Commission, and such other State and local agencies as it deems appropriate for review and comment.

Sec. 5. Repair, Alteration, or Removal of Dam. (a) Before commencing the repair, alteration or removal of a dam, application shall be made for written approval by the Department, except as otherwise provided by this Act. The application shall state the name and address of the applicant, shall adequately detail the changes it proposes to effect and shall be accompanied by maps, plans and specifications setting forth such details and dimensions as the Department requires. The Department may waive any such requirements. The application shall give such other in-

formation concerning the dam and reservoir required by the Department, such information concerning the safety of any change as it may require, and shall state the proposed time of commencement and completion of the work. When an application has been completed it shall be referred by the Department for agency review and report, as provided by subsection (b) of Section 4 of this Act in the case of original construction.

(b) When repairs are necessary to safeguard life and property they may be started immediately but the Department shall be notified forthwith of the proposed repairs and of the work under way, and they shall be made to conform to its orders.

Sec. 6. Action by Board Upon Applications. (a) Following receipt of agency comments the Board shall approve, disapprove, or approve subject to conditions necessary to ensure safety and to satisfy minimum stream flow requirements, all applications made pursuant to this Act.

(b) A defective application shall not be rejected but notice of the defects shall be sent to the applicant by registered mail. If the applicant fails to file a perfected application within 30 days the original shall be canceled unless further time is allowed.

(c) If the Board disapproves an application, one copy shall be returned with a statement of its objections. If an application is approved, the approval shall be attached thereto, and a copy returned by registered mail. Approval shall be granted under terms, conditions and limitations which the Board deems necessary to safeguard life and property.

(d) Construction shall be commenced within one year after the date of approval of the application or such approval is void. The Board upon written application and good cause shown may extend the time for commencing construction. Notice by registered mail shall be given the Board at least 10 days before construction is commenced.

Sec. 7. Supervision by Qualified Engineers; Reports and Modification During Work. (a) Any project for which the Board's approval is required under Sections 4 and 5 shall be designed and supervised by an engineer legally qualified in the State of North Carolina.

(b) During the construction, enlargement, repair, alteration or removal of a dam, the Board may require such progress reports from the supervising engineer as it deems necessary.

(c) If during construction, reconstruction, repair, alteration or enlargement of any dam, the Board finds the work is not being done in accordance with the provisions of the approval and the approved plans and specifications, it shall give written notice by registered mail or personal service to the person who received the approval and to the person in charge of construction at the dam. The notice shall state the particulars in which compliance has not been made, and shall order immediate compliance with the terms of the approval, and the approved plans and specifications. The Board may order that no further construction work be undertaken until such compliance has been effected and approved by the Board. A failure to comply with the approval and the approved plans and specifications shall render the approval revocable unless compliance is made after notice as provided in this Section.

Sec. 8. Notice of Completion; Certification of Final Approval. (a) Immediately upon completion, enlargement, repair, alteration or removal of a dam, notice of completion shall be given the Board. As soon as possible thereafter supplementary drawings or descriptive matter showing or describing the dam as actually constructed shall be filed with the Board in such detail as the Board may require.

(b) When an existing dam is enlarged, the supplementary drawings and descriptive matter need apply only to the new work.

(c) The completed work shall be inspected by the supervising engineers, and upon finding that the work has been done as required and that the dam is safe and satisfies minimum stream flow requirements, they shall file with the Board a certificate that the work has been completed in accordance with approved design, plans, specifications and other requirements. Unless the Board has reason to believe that the dam is unsafe or is not in compliance with any applicable requirement, regulation, or law, the Board shall grant final approval of the work in accordance with the certificate, subject to such terms as it deems necessary for the protection of life and property.

(d) Pending issuance of the Board's final approval, the dam shall not be used except on written consent of the Board, subject to conditions it may impose.

Sec. 9. Supervision over Maintenance and Operation of Dams. The Board shall have jurisdiction and supervision over the maintenance and operation of dams to safeguard life and property and to satisfy minimum stream flow requirements. The Board is hereby authorized to adopt such standards for maintenance and operation of dams as may be necessary for the purposes of this Act. In its discretion the Board may vary the standards applicable to various dams, giving due consideration to the minimum flow requirements of the stream, the type and location of the structure, the hazards to which it may be exposed, and the peril of life and property in the event of failure of a dam to perform its function.

Sec. 10. Inspection of Dams. (a) The Board is hereby authorized at any time to inspect through consulting engineers any dam upon receipt of a written request of any affected person or agency, or upon its own motion. Within the limits of available funds the Board shall endeavor to provide for inspection of all dams at intervals of approximately five years.

(b) If the Board finds that any dam is not sufficiently strong, or is not maintained in good repair or operating condition, or is dangerous to life or property, or does not satisfy minimum stream flow requirements, the Board shall issue an order directing the owner or owners of the dam to make at his or their expense such maintenance, alteration, repair, reconstruction, change in construction or location, or removal as may be deemed necessary by the Board within a time to be limited by the order, not less than 90 days from the date of issuance of each order, except in the case of extreme danger to the safety of life or property, as provided by subsection (c) of this Section.

(c) If at any time the condition of any dam becomes so dangerous to the safety of life or property, in the opinion of the Board, as not to permit sufficient time for issuance of an order in the manner provided by

subsection (b) of this Section, the Board may immediately take such measures as may be essential to provide emergency protection to life and property, including the lowering of the level of a reservoir by releasing water impounded or the destruction in whole or in part of the dam or reservoir. The Board may recover the costs of such measures from the owner or owners by appropriate legal action.

Sec. 11. Judicial Review. If an applicant under this Act, or owner of a dam which is the subject of an application, or any landowner whose property would be endangered by failure of a dam, are dissatisfied with any final order or decision of the Board issued under this Act, he (or they, as the case may be) shall have a right of appeal to the Superior Court pursuant to the provisions of Article 33 of Chapter 143 of the General Statutes.

Sec. 12. Investigations by Department; Rules and Regulations; Employment of Consultants. The Department shall make such investigations and assemble such data as it deems necessary for a proper review and study of the design and construction of dams, reservoirs and appurtenances, and for such purposes may enter upon private property. The Board may adopt such rules and regulations as may be necessary to carry out the purposes of this Act. The Board may employ or make such agreements with geologists, engineers, or other expert consultants and such assistants as it deems necessary to carry out the provisions of this Act.

Sec. 13. Liability for Damages. No action shall be brought against the State of North Carolina, the Department or Board of Water Resources or any agent or employee of such Department or Board, for damages sustained through the partial or total failure of any dam or its maintenance by reason of any supervision or other action taken pursuant to or under this Act. Nothing in this Act shall relieve an owner or operator of a dam from the legal duties, obligations and liabilities arising from such ownership or operation.

Sec. 14. Violations; Penalties. (a) Penalties for violations. Any person who shall be adjudged to have violated this Article shall be guilty of a misdemeanor and shall be liable to a penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation. In addition, if any person is adjudged to have committed such violation willfully, the court may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty.

(b) In addition, upon violation of any of the provisions of this Act, or the regulations of the Department hereunder, the Director of the Department may, either before or after the institution of proceedings for the collection of the penalty imposed by this Act for such violation, institute a civil action in the Superior Court in the name of the State upon relation of the Director of the Department for injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Act for any violation of the same.

Sec. 15. Rights of Investigation, Entry, Access and Inspection. The Board shall have the right to conduct such investigations as it may reasonably deem necessary to carry out its duties prescribed in this Act, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition, construction, or operation of any dam or associated equipment facility or property, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the construction or operation of any dam: Provided, that no person shall be required to disclose any secret formula, processes or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Board who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

Sec. 16. Codification. The various Sections of this Act shall be given appropriate numbers and codified by the Attorney General in Article 21 of Chapter 143 of the General Statutes of North Carolina. In the event that the 1967 General Assembly enacts more than one law concerning water resources, which several laws contain identical or substantially identical provisions concerning any matter—including without limitation, notice and hearing provisions, definitions and penalties—the Attorney General in codifying said laws is authorized in each such instance to combine said duplicating provisions in a single Section, subsection or paragraph, as may be appropriate.

Sec. 17. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 18. This Act shall take effect January 1, 1968.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 995

CHAPTER 1069

AN ACT TO AMEND THE WELL DRILLER REGISTRATION ACT AS SET FORTH IN ARTICLE 38 OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. Section 143-355 (e) is hereby amended by rewriting the last sentence to read as follows:

"The registration required hereby shall be made during the period from January 1 to January 31 of each year."

Sec. 2. Section 143-355 (f) is hereby stricken, and the following is substituted in lieu thereof:

"(f) Samples of Cuttings to be Furnished the Department of Water Resources When Requested. Every person, firm or corporation engaged in the business of drilling, boring, coring or constructing wells in any manner by the use of power machinery shall furnish the Department of Water Resources samples of cuttings from such depths as the Depart-

ment may require from all wells constructed by such person, firm or corporation, when such samples are requested by the Department. The Department shall bear the expense of delivering such samples. The Department shall, after an analysis of the samples submitted, furnish a copy of such analysis to the owner of the property on which the well was constructed; the Department shall not report the results of any such analysis to any other person whatsoever until the person legally authorized to do so authorizes in writing the release of the results of the analysis."

Sec. 3. Section 143-355 (g) is hereby stricken and the following is substituted in lieu thereof:

"(g) Reports of Each Well Required. Every person, firm or corporation engaged in the business of drilling, boring, coring, or constructing wells with power machinery within the State of North Carolina shall, within 30 days of the completion of each well, report to the Department of Water Resources on forms furnished by the Department the location, size, depth, number of feet of casing used, method of finishing, and formation log information of each such well. In addition such person, firm or corporation shall report any tests made of each such well including the method of testing, length of test, draw-down in feet and yield in gallons per minute. The person, firm or corporation making such report to the Department of Water Resources shall at the time such report is made also furnish a copy thereof to the owner of the property on which the well was constructed."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. The provisions of this Act shall not repeal any other laws relating to the reporting of test drillings or borings on public or State-owned lands.

Sec. 6. This Act shall become effective on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 997 CHAPTER 1070

AN ACT TO AUTHORIZE THE NORTH CAROLINA DEPARTMENT OF WATER RESOURCES TO ASSIST, COORDINATE, AND OTHERWISE PARTICIPATE WITH LOCAL LEVELS OF GOVERNMENT IN A PROGRAM OF FLOOD PLAIN MANAGEMENT.

WHEREAS, a significant portion of the State's land resources is subject to recurrent flooding by overflow of streams and watercourses and by hurricane action causing loss of life and property, disruption of commerce, and interruption of transportation and communications, all of which are detrimental to the health, safety, welfare and property of the people of this State; and

WHEREAS, the public interest necessitates sound development of land use, as land is a limited, valuable and irreplaceable resource, and the flood plains of this State are a land resource to be developed in a manner, which in conjunction with economically feasible structural measures for flood control, will result in (1) prevention of loss of life and personal injury, and (2) the prevention of economic loss caused by excessive flooding; and

WHEREAS, the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish flood plain management rests with local levels of government: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-355 (b) is hereby amended by adding at the end thereof the following:

"(15) To initiate, plan, study, and execute a long range flood plain management program for the promotion of health, safety, and welfare of the public. In carrying out the purposes of this subsection, the primary responsibility of flood plain management rests with the local levels of government and it is, therefore, the policy of this State and of this Department to provide guidance, coordination, and other means of assistance, along with the other agencies of this State and with the local levels of government, to effectuate adequate flood plain management programs.

"This department is directed to pursue an active educational program of flood plain management measures, to include in each biennial report a statement of flood damages, location where flood plain management is desirable, and suggested legislation, if deemed desirable, and within its capacities to provide advice and assistance to State agencies and local levels of government."

Sec. 2. North Carolina General Statute 139-35 (c) is hereby amended by re-designating the existing subsection "(3)" to be designated subsection "(4)" and to insert the following subsection in lieu thereof:

"(3) Determine whether a program of flood plain management in connection with such proposed works is in the public interest, and to withhold approval until satisfactory measures are incorporated."

Sec. 3. G. S. 139-35 (c) is further amended by adding a sentence immediately after the first sentence of the last paragraph of said subsection to read as follows:

"The Board may publish flood plain management criteria to be followed by those persons, district, or other agencies preparing such work plans."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 998 CHAPTER 1071

AN ACT TO AMEND ARTICLE 38 OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES RELATING TO THE POWERS AND DUTIES OF THE BOARD OF WATER RESOURCES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-354 (a) (1) is hereby amended by adding a sentence at the end thereof to read as follows:

"It shall investigate the long-range needs of counties and municipalities and other local governments for water supply storage available in Federal projects."

Sec. 2. G. S. 143-354 (a) is further amended by adding at the end thereof the following:

"(10) The board is authorized to provide to Federal agencies the required assurances, subject to availability of appropriations by the General Assembly or applicable funds or assurances from local governments, of non-Federal cooperation for water supply storage and other Congressionally-authorized purposes in Federal projects.

"(11) The board is authorized to assign or transfer to any county or municipality or other local government having a need for water supply storage in Federal projects any interest held by the State in such storage, upon the assumption of repayment obligation therefor, or compensation to the State, by such local government. The board shall also have the authority to reassign or transfer interests in such storage held by local governments, if indicated by the investigation of needs made pursuant to paragraph (a) (1) of this Section, subject to equitable adjustment of financial responsibility."

Sec. 3. G. S. 143-355 (b) (1) is rewritten to read as follows:

"(1) To request the North Carolina Congressional Delegation to apply to the Congress of the United States whenever deemed necessary for appropriations for protecting and improving any harbor or waterway in the State and for accomplishing needed flood control, shore erosion prevention, and water resources development for water supply, water quality control, and other purposes."

Sec. 4. G. S. 143-355 (b) (7) is hereby rewritten to read as follows:

"(7) To cooperate with Federal and interstate agencies in planning and developing water resource projects for navigation, flood control, hurricane protection, shore erosion prevention, and other purposes."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1004 CHAPTER 1072

AN ACT TO PROVIDE THAT NO INSURANCE COMPANY LICENSED TO DO AN INSURANCE BUSINESS IN THE STATE OF NORTH CAROLINA SHALL FAIL TO RENEW EXISTING POLICIES OF MOTOR VEHICLE LIABILITY INSURANCE SOLELY BECAUSE OF THE AGE OF THE INSURED.

The General Assembly of North Carolina do enact:

Section 1. Article 13 of Chapter 20 of the General Statutes of North Carolina is hereby amended by adding at the end thereof a new Section to be designated as "§ 20-310.2" and reading as follows:

"§ 20-310.2. Motor Vehicle Liability Insurance; Companies May Not Fail to Renew Solely by Reason of Age; Penalties Provided. No insurance company licensed in this State to do a business of insurance, which is engaged in the writing of motor vehicle liability insurance, as the same

is defined in G. S. 20-279.21, shall fail to renew any such existing policy of insurance solely because the insured has attained the age of 65 years or older.

"Whenever the Insurance Commissioner shall have reason to believe that any insurance company which is licensed to do a business of insurance in this State and is engaged in writing motor vehicle liability insurance has refused to renew policies of motor vehicle liability insurance solely because the applicant has reached the age of 65 years or older, he shall notify such company that it may be in violation of this Section, and, in his discretion he may require a hearing to determine whether or not such company has actually been engaged in the practice as aforesaid. Any hearing held under this Section shall in all respects comply with the hearing procedure provided in G. S. 58-54.6.

"If after such hearing the Commissioner shall determine that the company has engaged in the practice of systematically failing to renew policies of motor vehicle liability insurance because of the advanced age of the insureds, he shall reduce his findings to writing and shall issue and cause to be served upon the company charged with the violation an order requiring the company to cease and desist from engaging in such practices. After the issuance of such cease and desist order, if the Commissioner finds that the company has continued to engage in such practices, he shall impose upon such company a fine not to exceed the amount of one thousand dollars ($1,000.00) for each separate violation.

"Any company aggrieved by any order or decision of the North Carolina Commissioner of Insurance may appeal such order and decision to the Superior Court of Wake County in the same manner and under the same rules and provisions set forth in G. S. 58-9.3."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1032

CHAPTER 1073

AN ACT TO AMEND G. S. 147-45 SO AS TO PROVIDE A COPY OF THE SESSION LAWS, A COPY OF THE HOUSE AND SENATE JOURNALS, AND A COPY OF THE SUPREME COURT REPORTS TO ASHEVILLE-BILTMORE COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended by adding in the table contained in said Section, under the heading "Schools and Hospitals:", a new line to read as follows:

"Asheville-Biltmore College ..... 1 1 1".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1038 **CHAPTER 1074**

AN ACT TO AUTHORIZE COUNTIES TO EXPEND NONTAX FUNDS TO ASSIST STATE LICENSED FACILITIES FOR THE MENTALLY RETARDED.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of each county of the State is hereby authorized, in its discretion, to appropriate and expend from nontax revenues such amounts as in its discretion may be deemed wise and expedient by way of making a donation to any licensed facility for the mentally retarded, whether publicly or privately owned, and whether located within the borders of such county or not, to assist in providing better and more adequate facilities and treatment for the mentally retarded, when and if, in the opinion of said board, such donation would involve the care which would be available to the residents of such county.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1079 **CHAPTER 1075**

AN ACT TO AMEND CHAPTER 75A OF THE GENERAL STATUTES SO AS TO REQUIRE SEWAGE TREATMENT OR HOLDING DEVICES ON BOATS OPERATING ON THE INLAND FISHING WATERS OF THE STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 75A-6, as it appears in the 1965 Supplement to Volume 2C of the General Statutes of North Carolina, is hereby amended as follows: (1) by adding the words "the inland fishing waters of the State as designated by the Wildlife Resources Commission and" immediately before the words "the inland lake waters" where they appear in the first, second, third, fourth, and fifth sentences of subsection (o); and

(2) by adding the following sentence at the end of the fifth sentence in subsection (o): "A vessel registered, documented or otherwise licensed in another state and equipped with a marine toilet not prohibited in such state may be operated on the inland fishing waters of the State as designated by the Wildlife Resources Commission, without regard to the provisions of this subsection while making an interstate trip."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on January 1, 1968.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1097 **CHAPTER 1076**

AN ACT TO AMEND SUBSECTION (d) OF G. S. 20-129 PERTAINING TO REAR LAMPS ON MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (d) of G. S. 20-129, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by rewriting the same to read as follows:

"(d) Rear Lamps. Every motor vehicle, and every trailer or semitrailer attached to a motor vehicle and every vehicle which is being drawn at the end of a combination of vehicles, shall have all originally equipped rear lamps or the equivalent in good working order, which lamps shall exhibit a red light plainly visible under normal atmospheric conditions from a distance of 500 feet to the rear of such vehicle. One rear lamp or a separate lamp shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be illuminated by a white light as to be read from a distance of 50 feet to the rear of such vehicle. Every trailer or semitrailer shall carry at the rear, in addition to the originally equipped lamps, a red reflector of the type which has been approved by the Commissioner and which is so located as to height and is so maintained as to be visible for at least 500 feet when opposed by a motor vehicle displaying lawful undimmed lights at night on an unlighted highway.

"Notwithstanding the provisions of the first paragraph of this subsection, it shall not be necessary for a trailer, licensed for not more than 2500 pounds, to carry or be equipped with a rear lamp, provided such vehicle is equipped with and carries at the rear two red reflectors of a diameter of not less than four inches, such reflectors to be approved by the Commissioner, and which are so designed and located as to height and are maintained so that each reflector is visible for at least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1098 **CHAPTER 1077**

AN ACT TO AMEND SUBSECTION (b) OF G. S. 20-127 PERTAINING TO WINDSHIELD WIPERS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 20-127, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting in line 5 thereof immediately following the word "vehicle." the following provision:

"Provided, on any vehicle equipped by its manufacturer with such devices on both the right and left sides of windshield, both such devices shall be in working order."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1100 CHAPTER 1078

AN ACT TO AMEND CHAPTER 24 OF THE 1967 SESSION LAWS.

The General Assembly of North Carolina do enact:

Section 1. Section 29 of Chapter 24 of the 1967 Session Laws is hereby amended to read as follows:

"Sec. 29. This Act shall be effective July 1, 1967."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1101 CHAPTER 1079

AN ACT TO AMEND G. S. 20-90 AND G. S. 20-91 PERTAINING TO SIX PER CENT (6%) GROSS REVENUE TAX ON COMMON CARRIERS OF PASSENGERS AND COMMON CARRIERS OF PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-90, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by rewriting the same to read as follows:

"§ 20-90. Due Date of Franchise Tax. The additional tax on common carriers of passengers and common carriers of property shall become due and payable on or before the thirtieth day of the month following the month in which it accrues.

Whenever a contract carrier or a flat rate common carrier of property becomes a regular common carrier of property subject to the six per cent (6%) gross revenue tax under this chapter during the license renewal period, January 1 to February 15, said carrier's gross revenue for the six per cent (6%) tax purpose shall be all the revenue earned from operations on and after the January 1 preceding the carrier's change to a regular common carrier during the renewal period January 1 to February 15.

Whenever a regular common carrier of property subject to the six per cent (6%) gross revenue tax under this chapter becomes a flat rate common carrier of property or a contract carrier during the license renewal period, January 1 to February 15, said carrier's gross revenue for the six per cent (6%) tax purposes shall be all the revenue earned

from operations up to and including operations on the December 31 preceding the carrier's change to a flat rate common carrier of property or a contract carrier if such change is made during the renewal period January 1 to February 15."

Sec. 2. G. S. 20-91(b), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by rewriting same to read as follows:

"§ 20-91 (b) All common carriers of passengers and common carriers of property shall, on or before the thirtieth day of each month, make a report to the Department of gross revenue earned and gross mileage operated during the month previous, in such manner as the Department may require and on such forms as the Department shall furnish. If reports are not filed by the thirtieth day of the month following the month for which the report is made, a penalty of five per cent (5%) of gross receipts tax reported will be due. This five per cent (5%) penalty must be paid in addition to the gross receipts tax and may not be claimed as a credit against the tag deposit. Provided that the Commissioner may, in his discretion, waive the five per cent (5%) penalty upon proof by the carrier that late filing of report was due to extenuating circumstances beyond the control of the carrier."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1112 CHAPTER 1080

AN ACT TO AMEND G. S. 105-88 RELATING TO PRIVILEGE LICENSES FOR REAL ESTATE MORTGAGE BROKERS.

The General Assembly of North Carolina do enact:

"Section 1. G. S. 105-88 is hereby amended by adding at the end of subsection (b) a new sentence to read as follows: 'No real estate mortgage broker shall be required to obtain a privilege license under this Section merely because he advances his own funds and takes a security interest in real estate to secure such advances and when, at the time of such advance of his own funds, he has already made arrangements with others for the sale or discount of the obligation at a later date and does so sell or discount such obligation within the period specified in said arrangement or extensions thereof; or when, at the time of the advance of his own funds, he intends to sell the obligation to others at a later date and does, within 12 months from date of initial advance, make arrangements with others for the sale of said obligation and does sell the obligation within the period specified in said arrangement or extensions thereof; or because he advances his own funds in temporary financing directly involved in the production of permanent-type loans for sale to others; and no real estate mortgage broker whose mortgage lending operations are essentially as described above shall be required to obtain a privilege license under this Section.' "

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1966.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1121 CHAPTER 1081

AN ACT REIMBURSING THE STATE FOR MEDICAL AND DISABILITY EXPENSES FOR NATIONAL GUARDSMEN.

The General Assembly of North Carolina do enact:

Section 1. There is hereby added a new Section 127-82.1 to read as follows:

"(a) The right to compensation and other benefits under G. S. 127-82 shall not be affected by the fact that the injury or death was caused under circumstances creating a liability in some person other than the State to pay damages therefor, such person hereinafter being referred to as the 'third party.' The respective rights and interests of the guardsman under this article, and the State, if any, in respect of the common-law cause of action against such third party and the damages recovered shall be as set forth in this Section.

"(b) The guardsman, or his personal representative if he be dead, shall have the exclusive right to proceed to enforce the liability of the third party by appropriate proceedings if such proceedings are instituted not later than 12 months after the date of injury or death, whichever is later. During said 12-month period, and at any time thereafter if summons is issued against the third party during said 12-month period, the guardsman or his personal representative shall have the right to settle with the third party and to give a valid and complete release of all claims to the third party by reason of such injury or death, subject to the provisions of (h) below.

"(c) If settlement is not made and summons is not issued within said 12-month period, then all rights of the guardsman, or his personal representative if he be dead, against the third party shall pass by operation of law to the State upon the expiration of said 12-month period. All such rights shall then remain in the State until 60 days before the expiration of the period fixed by the statute of limitations applicable to such rights and if the State shall not have settled with or instituted proceedings against the third party within such time, then all such rights shall revert to the guardsman or his personal representative 60 days before the expiration of the applicable statute of limitations.

"(d) The person in whom the right to bring such proceeding or make settlement is vested shall, during the continuation thereof, also have the exclusive right to make settlement with the third party and the release of the person having the right shall fully acquit and discharge the third party except as provided by (h) below. A proceeding so instituted by the person having the right shall be brought in the name of the guardsman or his personal representative and the State shall not be a necessary or proper party thereto. If the guardsman or his personal representative should

refuse to cooperate with the State by being the party plaintiff, then the action shall be brought in the name of the State and the guardsman or his personal representative shall be made a party plaintiff or party defendant by order of Court.

"(e) The amount of compensation and other benefits paid or payable on account of such injury or death shall not be admissible in evidence in any proceeding against the third party. If the third party defending such proceeding, by answer duly served on the State, sufficiently alleges that actionable negligence of the State joined and concurred with the negligence of the third party in producing the injury or death, then an issue shall be submitted to the jury in such case as to whether actionable negligence of the State joined and concurred with the negligence of the third party in producing the injury or death. The State shall have the right to appear, to be represented, to introduce evidence, to cross-examine adverse witnesses, and to argue to the jury as to this issue as fully as though he were a party although not named or joined as a party to the proceeding. Such issue shall be the last of the issues submitted to the jury. If the verdict shall be that actionable negligence of the State did join and concur with that of the third party in producing the injury or death, then the court shall reduce the damages awarded by the jury against the third party by the amount which the State would otherwise be entitled to receive therefrom by way of subrogation hereunder and the entire amount recovered, after such reduction, shall belong to the guardsman or his personal representative free of any claim by the State and the third party shall have no further right by way of contribution or otherwise against the State, except any right which may exist by reason of an express contract of indemnity between the State and the third party, which was entered into prior to the injury to the guardsman.

"(f) (1) Any amount obtained by any person by settlement with, judgment against, or otherwise from the third party by reason of such injury or death shall be disbursed by order of the Court for the following purposes and in the following order of priority:

a. First to the payment of actual court costs taxed by judgment.

b. Second to the payment of the fee of the attorney representing the person making settlement or obtaining judgment, and such fee shall not exceed one-third of the amount obtained or recovered of the third party.

c. Third to the reimbursement of the State for all benefits by way of compensation or medical treatment expense paid or to be paid by the State pursuant to G. S. 127-82.

d. Fourth to the payment of any amount remaining to the guardsman or his personal representative.

(2) The attorney fee paid under (f) (1) shall be paid by the guardsman and the State in direct proportion to the amount each shall receive under (f) (1) c and (f) (1) d hereof and shall be deducted from such payments when distribution is made.

"(g) In any proceeding against or settlement with the third party, every party to the claim for compensation shall have a lien to the extent of his interest under (f) hereof upon any payment made by the third party by reason of such injury or death, whether paid in settlement, in satis-

faction of judgment, as consideration for covenant not to sue, or otherwise and such lien may be enforced against any person receiving such funds. Neither the guardsman or his personal representative nor the State shall make any settlement with or accept any payment from the third party without the written consent of the other and no release to or agreement with the third party shall be valid or enforceable for any purpose unless both State and guardsman or his personal representative join therein; provided, that this sentence shall not apply if the State is made whole for all benefits paid or to be paid by him under this chapter less attorney's fees as provided by (f) (1) and (2) hereof and the release to or agreement with the third party is executed by the guardsman. The Attorney General shall have the right on behalf of the State to reduce by compromise its claim.

"(h) Institution of proceedings against or settlement with the third party, or acceptance of benefits under this chapter, shall not in any way or manner affect any other remedy which any party to the claim for compensation may have except as otherwise specifically provided in this chapter, and the exercise of one remedy shall not in any way or manner be held to constitute an election of remedies so as to bar the other."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective as to any actions arising on or after July 1, 1967.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1126 CHAPTER 1082

AN ACT TO AMEND G. S. 14-278 AND G. S. 14-279 RELATING TO INJURY OF PROPERTY OF RAILROADS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-278 is hereby rewritten to read as follows: "§ 14-278. Wilful Injury to Property of Railroads. If any person shall unlawfully and wilfully, with intent to cause injury to any person passing over the railroad or damage to the equipment traveling on such road, put or place any matter or thing upon, over or near any railroad track, or destroy, injure, tamper with, or remove the roadbed, or any part thereof, or any rail, sill or other part of the fixtures appurtenant to or constituting or supporting any portion of the track of such railroad, the person so offending shall be guilty of a felony and shall be imprisoned in the State's prison not less than four months nor more than 10 years, or fined, or both."

Sec. 2. G. S. 14-279 is hereby rewritten to read as follows: "§ 14-279. Unlawful Injury to Property of Railroads. If any person shall unlawfully, but without intent to cause injury to any person or damage to equipment, commit any of the acts referred to in Section 14-278, he shall be guilty of a misdemeanor."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1127 CHAPTER 1083

AN ACT TO REWRITE G. S. 14-127, RELATING TO WILFUL INJURY TO REAL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-127 is rewritten to read as follows: "§ 14-127. Wilful and Wanton Injury to Real Property. If any person shall wilfully and wantonly damage, injure or destroy any real property whatsoever, either of a public or private nature, he shall be guilty of a misdemeanor and shall be punished by fine or imprisonment or both, in the discretion of the court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1128 CHAPTER 1084

AN ACT TO AMEND G. S. 33-31 RELATING TO SALES OF PROPERTY BELONGING TO MINORS AND INCOMPETENTS BY OTHERS THAN A GUARDIAN, VALIDATING SALES CONDUCTED BY GUARDIANS AD LITEM, COMMISSIONERS OF THE COURT, OR NEXT FRIENDS WHERE THE SAME HAVE BEEN REGULAR IN ALL OTHE RESPECTS AND SAID SALES WERE MADE PRIOR TO MARCH 30, 1966.

The General Assembly of North Carolina do enact:

Section 1. G. S. 33-31 is hereby amended by changing the period after the word "specify" in line 19 of said statute to a comma and adding the following: "Provided that on and after January 1, 1968, no sales of property belonging to minors or incompetents prior to the effective date of this Act, by next friend, guardian ad litem, or Commissioner of the Court regular in all other respects shall be declared invalid nor shall any claim or defense be asserted on the grounds that said sale was not made by a duly appointed guardian as provided herein or on the grounds that said minor or incompetent was not represented by a duly appointed guardian."

Sec. 1½. G. S. 33-31 is further amended by adding a new sentence following the period on line 21 to read as follows: "The word 'guardian' whenever used herein shall be construed to include next friend, guardian ad litem, or Commissioner of the Court acting pursuant to this Article."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1133 CHAPTER 1085

AN ACT TO AMEND ARTICLE 2 OF CHAPTER 139 OF THE NORTH CAROLINA GENERAL STATUTES CONCERNING PROCEDURES FOR COLLECTION AND PAYMENT OF WATERSHED IMPROVEMENT DISTRICT ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 139-27 is hereby rewritten to read as follows:

"§ 139-27. Collection and Payment of Assessments; Expenditure of Proceeds Thereof and of Other District Funds. (a) (1) The landowner against whom an assessment is made shall have the option of paying the entire assessment, if he so elects and gives written notice accordingly to the secretary-treasurer of the district within 15 days after the confirmation of the assessment roll and upon his failure to so notify the district, he shall be deemed to have elected to pay the assessment in annual installments. Assessments (and installments of assessments) shall become due and payable on the date provided by law for payment of ad valorem property taxes in the county. Interest shall be charged for late payments, and discounts shall be allowed for prepayment of assessments, in the amounts and during the periods covered by law with respect to payment of ad valorem property taxes in the county. The entire assessment may be paid at any time by payment of the principal and all interest accrued to that date.

(2) It is the intent and purpose of this subsection that any assessment (initial, subsequent or annual) may as determined by the assessment roll be paid and collected in multiple annual installments in such installment amounts and spread over such installment periods as the assessment roll may fix. As to any assessment roll which shall fix and determine multiple annual installment payments spread over periods in excess of three years, the following modifications of designated subsections of this Section shall apply:

a. In subsection (b) "three" shall read "multiple";

b. In subsection (c) "second and third" shall read "subsequent";

c. In subsection (d): "second and third" shall read "subsequent"; "one and two years, respectively" shall read "in subsequent years"; and the form of the order of the board of commissioners to the county tax collector shall be suitably modified;

d. In subsection (h) the form of assessment receipt shall be suitably modified for fourth and subsequent annual installments.

"(b) After confirmation of the assessment roll the district shall have prepared a form of receipt, with appropriate stubs attached, for the assessment due on each tract or parcel of land as recited in the assessment roll. A separate sheet shall be used for each tract or parcel assessed, and each such separate sheet shall contain three perforated receipts at-

tached to a single stub, with appropriate entries and blank spaces substantially as set forth in subsection (h) of this Section. The receipts and stubs for land within each county wherein any part of his district lies shall be separately bound. The bound books of assessment receipts shall be endorsed 'Assessments of the (here give the name of the district) Watershed Improvement District due on the first Monday of October, 19.....,' and the same endorsement shall be printed at the top of each assessment receipt. The necessary cost of printing and binding such books of assessment receipts and the filling in of the same shall be a proper charge against the district and shall be paid by the Board of Trustees.

"(c) During the month of September next following the confirmation of the assessment roll the district shall mail to the landowners the receipts for the first annual installment with the blanks duly filled in. The district shall also remove from the bound books, and retain, the receipts for the second and third annual installments. On or before the twenty-fifth day of such month the appropriate bound book of stubs, with the names of the property owners and assessment and installment amounts duly filled in, shall be delivered to the board of commissioners of each county wherein any part of the district lies. On or before the first Monday of October next following the said boards of commissioners shall cause such bound books to be delivered to their respective county tax collectors, together with appended orders in substantially the following form:

"Tax Collector, ... County:

"This is to certify that the attached book of assessment stubs embraces watershed assessments made on certain lands in the County of ..... which are located within the boundaries of the ..... Watershed Improvement District. The affected landowners, unless otherwise indicated to the contrary, have elected to pay their assessments in installments, the first of which becomes due on the first Monday of October, 19....., and must be paid and collected within the time and in the manner required by law. (See G. S. 139-27). Interest for failure to pay this installment shall accrue on the principal amount of the installment at the rate and at the times provided by law for property taxes in the county. You will enter the dates of payments on the stubs and retain the book of stubs in a safe place for use in recording subsequent annual installments. You will make monthly settlements of your collections with the secretary-treasurer of the ..... Watershed Improvement District, and in all other respects you will discharge your duties as tax collector as required by law.

"In Witness Whereof I have hereunto set my hand and official seal, this ..... day of ....., 19.....

.....

Chairman, Board of Commissioners,

..... County

"(d) The procedure for the second and third annual installments shall be set forth in this subsection. The district shall mail the receipts for such installments with blanks duly filled in to the landowners during the month of September, one and two years, respectively, after the mailing of the receipts for the first installment. On or before the twenty-fifth day of

such month there shall be delivered to the boards of county commissioners a notice of the due date of the installment. On or before the first Monday of October next following the said boards of commissioners shall cause to be delivered to their respective county tax collectors orders in substantially the following form, omitting therefrom the appropriate bracketed words and phrases:

"Tax Collector ..... County:

"This is to certify that the [second] [third] installment of the watershed assessment of the ..... Watershed Improvement District becomes due on the first Monday of October, 19....., and must be paid and collected within the time and in the manner required by law. (See G. S. 139-27). Interest for failure to pay this installment shall accrue on the principal amount of the installment at the rate and at the times provided by law for property taxes in the county. You will enter the dates of payments on the stubs [and retain the book of stubs in a safe place for use in recording the third annual installment] [and thereafter retain or dispose of the book of stubs in the manner provided by law.] You will make monthly settlements of your collections with the secretary-treasurer of the ..... Watershed Improvement District, and in all other respects you will discharge your duties as tax collector as required by law.

"In Witness Whereof I have hereunto set my hand and official seal, this ..... day of ....., 19.....

.....
Chairman, Board of Commissioners
..... County

"(e) All watershed assessments shall be collected by the county tax collector in the same manner as county taxes, except as otherwise herein provided, and such collections shall be enforced in the manner provided by G. S. 105-414 and subsections (f) through (v) of G. S. 105-391; provided however, that there shall be no right to proceed against personal property in enforcing such collections. The tax collector shall be required on the first day of each month to make settlements with the secretary-treasurer of the Watershed Improvement District of all collections of watershed assessments for the preceding month, and to deposit all moneys so collected in an account maintained in the name of the district at an official depository designated by the district. Such account shall also be used for the deposit of all other funds of the district. Expenditures from such account may be made with the approval of the trustees of the district on requisition from the chairman and the secretary-treasurer of the district. The fee allowed the tax collector for collecting the watershed assessments shall be two percent (2%) of the amount collected, except that, where the tax collector is on a salary basis, such fee shall be paid into the General Fund of the County.

"If the tax collector shall willfully fail or neglect to comply with any requirement of law concerning collection or deposit of watershed assessments, he shall be guilty of a misdemeanor, and upon conviction shall be subject to fine and imprisonment, in the discretion of the court. He shall likewise be liable to a civil action for all damages which may accrue

either to the trustees of the district or the holders of its bonds, to either or both of whom a right of action is hereby given.

"(f) No statute of limitation, whether fixed by law especially referred to in this Chapter or otherwise, shall bar the right of the district to enforce any remedy provided by law for the collection of unpaid assessments, save from and after 10 years from and after the due date thereof, or, if payable in installments, 10 years from and after the due date of any installment.

"(g) All proceedings for watershed assessments under the provisions of this Article shall be regarded as proceedings in rem, (and no mistake or omission as to the name of the owner or person interested in any tract or parcel of land affected thereby shall be regarded a substantial mistake or omission.)

"(h) Form of Assessment Receipts with Stub.

Landowner

.....

Owner's Address

.....

Amount of Entire Assessment

.....

Date Paid

.....

Amount of each Annual Installment

.....

Date 1st Annual Installment Paid

.....

Assessments of the (here give name of District) Watershed Improvement District due on the first Monday of October, 19.....

Landowner .....

Unpaid Balance of Entire Assessment

.....

Amount of 1st Annual Installment due .....

Interest for failure to pay this installment shall accrue on the principal amount of the installment at the rate and at the times provided by law for property taxes in the county.

PAYABLE TO TAX COLLECTOR, ... County, ... North Carolina

Assessments of the (here give name of district) Watershed Improvement District due on the first Monday of October, 19.....

Landowner .....

Unpaid Balance of Entire Assessment

.....

Amount of 2nd Annual Installment due .....

Date 2nd Annual Installment Paid	Interest for failure to pay this installment shall accrue on the principal amount of the installment at the rate and at the times provided by law for property taxes in the county. PAYABLE TO TAX COLLECTOR, ... County ..... North Carolina
Date 3rd Annual Installment Paid	Assessments of the (here give name of district) Watershed Improvement District due on the first Monday of October, 19..... Landowner ..... Unpaid Balance of Entire Assessment ..... Interest for failure to pay this installment shall accrue on the principal amount of the installment at the rate and at the times provided by law for property taxes in the county. PAYABLE TO TAX COLLECTOR, ... County ..... North Carolina."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. With regard to Watershed Improvement Districts hereafter created, this Act shall take effect upon its ratification. With regard to any existing Watershed Improvement District, this Act shall become effective upon the confirmation of the first assessment roll that is confirmed following the ratification of this Act.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1146 CHAPTER 1086

AN ACT TO AMEND SECTIONS 153-80, 153-82 AND 160-382 OF THE GENERAL STATUTES, CONCERNING THE PERIOD OF ESTIMATED LIFE OF AIRPORT IMPROVEMENTS AND THE AVERAGING OF THE PERIODS OF LIFE OF BONDS.

The General Assembly of North Carolina do enact:

Section 1. Subdivision (5) of Section 153-80 of the General Statutes, the same being a part of The County Finance Act, as amended, is hereby rewritten to read as follows:

"(5) Land, including grading and drainage, buildings, equipment and other improvements for airports or landing fields, thirty years."

Sec. 2. Subdivision (6) of Section 153-80 of the General Statutes is hereby deleted.

Sec. 3. Section 153-82 of the General Statutes is hereby rewritten to read as follows:

"In the event bonds authorized by any one order under the provisions of G. S. 153-78 shall be for improvements with different estimated periods of life under the provisions of G. S. 153-80, such bonds shall mature within the average of such periods, taking into consideration the amount of bonds estimated to be required to be issued as to each such improvement. It shall be lawful to consolidate into one issue bonds authorized by two or more orders for different purposes, in which event the bonds of such consolidated issue shall mature within the average of the periods estimated as the life of the several improvements, taking into consideration the amount of bonds to be issued on account of each item for which a period shall be estimated. The determination of any such period under the provisions of this Section shall be conclusive."

Sec. 4. Subdivision (21) of Section 160-382 of the General Statutes, the same being a part of the Municipal Finance Act, 1921, as amended, is hereby rewritten to read as follows:

"(21) Land, including grading and drainage, buildings, equipment and other improvements for airports or landing fields, thirty years."

Sec. 5. Subdivision (22) of Section 160-382 of the General Statutes is hereby deleted.

Sec. 6. The provisions of this Act shall also apply to bonds authorized but not issued at the effective date of this Act.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1148 CHAPTER 1087

AN ACT TO AMEND G. S. 47-115.1, RELATING TO THE APPOINTMENT OF AN ATTORNEY IN FACT, SO AS TO PROVIDE FOR THE COMMISSIONS TO BE PAID SUCH ATTORNEY IN FACT IN THE EVENT THE PRINCIPAL BECOMES INCOMPETENT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 47-115.1 is amended by adding at the end thereof a new subsection (k) to read as follows:

"(k) In the event that any power of attorney executed pursuant to the provisions of this Section does not contain the amount of commissions the attorney in fact is entitled to receive or the way such commissions are to be determined, and the principal should thereafter become incompetent, the commissions such attorney in fact shall receive shall be fixed in the discretion of the clerk of superior court pursuant to the provisions of G. S. 28-170."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1154 CHAPTER 1088

AN ACT REWRITING G. S. 14-214 RELATING TO FALSE AND FRAUDULENT STATEMENTS TO PROCURE BENEFITS UNDER INSURANCE POLICIES SO AS TO CLEARLY DESIGNATE PROHIBITED ACTS AS CONSTITUTING A FELONY, AND TO REPEAL G. S. 14-112.1.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-214 is hereby rewritten to read as follows:

"§ 14-214. False Statement to Procure Benefit of Insurance Policy or Certificate. Any person who shall wilfully and knowingly present or cause to be presented a false or fraudulent claim, or any proof in support of such claim, for the payment of a loss, or other benefits, upon any contract of insurance or certificate of insurance; or prepares, makes or subscribes to a false or fraudulent account, certificate, affidavit or proof of loss, or other documents or writing, with intent that the same may be presented or used in support of such claim, shall be guilty of a felony punishable by imprisonment for not more than five years or by a fine of not more than five thousand dollars ($5,000.00), or by both such fine or imprisonment in the discretion of the court."

Sec. 2. G. S. 14-112.1, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes of North Carolina, is hereby repealed.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after its ratification, but shall not apply to any actions or indictments now pending in Courts in the State of North Carolina.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1161 CHAPTER 1089

AN ACT TO AMEND SECTION 14-317 OF THE GENERAL STATUTES RELATING TO PERMISSION OF MINORS TO ENTER BOWLING ALLEYS.

The General Assembly of North Carolina do enact:

Section 1. Section 14-317 is hereby rewritten to read as follows:

If the manager or owner of any barroom, wherein beer, wine, or any alcoholic beverages are sold or consumed, or billiard room shall knowingly allow any minor under 18 years of age to enter or remain in such barroom or billiard room, where before such minor under 18 years of age enters or remains in such barroom or billiard room, the manager or owner thereof has been notified in writing by the parents or guardian of such minor

under 18 years of age not to allow him to enter or remain in such barroom or billiard room, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding 30 days.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby reepealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1163 CHAPTER 1090

AN ACT TO AMEND G. S. 20-83 PERTAINING TO TRIP LICENSES AT ONE-TENTH ANNUAL RATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-83(b), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "State" appearing in line 10 thereof the following words:

"Provided that only one such permit allowed by this Section shall be issued for the use of the same vehicle within the same registration year."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1167 CHAPTER 1091

AN ACT TO AMEND CHAPTER 54 OF THE GENERAL STATUTES RELATING TO BUILDING AND LOAN, SAVINGS AND LOAN ASSOCIATIONS AND CREDIT UNIONS SO AS TO AUTHORIZE SUCH INSTITUTIONS TO FORM A MUTUAL DEPOSIT GUARANTY ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 54 of the General Statutes is hereby amended by adding a new Article immediately following Article 7, to be designated as Article 7A, and to read as follows:

"ARTICLE 7A

"Mutual Deposit Guaranty Associations.

"G. S. 54-44.1. Definitions. As used in this Article,

(1) 'Institution' means a building and loan association, a savings and loan association or a credit union organized pursuant to Article 1 of Subchapter I and Article 10, Subchapter III of this Chapter.

(2) 'Guaranty association' means a mutual deposit guaranty association organized pursuant to this Article.

(3) 'Commissioner' means Commissioner of Insurance of North Carolina.

"G. S. 54-44.2. Organization of a Mutual Deposit Guaranty Association. Any number of institutions, not less than 10, may become incorporated as a mutual deposit guaranty association without capital stock subject to the limitations prescribed in this Article.

"Articles of incorporation of a guaranty association shall be filed in the office of the Secretary of State. The Secretary of State shall, upon receipt of such articles, transmit a copy of them to the Commissioner and shall not record them until authorized to do so by the Commissioner.

"G. S. 54-44.3. Examination and Certificate by Commissioner. Upon receipt from the Secretary of State of a copy of the Articles of incorporation of a proposed guaranty association, the Commissioner shall at once examine into all the facts connected with the formation of such proposed corporation. In the event such articles of incorporation are correct in form and substance and the examination shows that such corporation, if formed, would be entitled to commence the business of a guaranty association, the Commissioner shall so certify to the Secretary of State.

"The Commissioner may refuse to make such certification if upon examination he has reason to believe the proposed corporation is to be formed for any business other than assuring the liquidity of member institutions and guaranteeing deposits therein, if he has reason to believe that the character and general fitness of the incorporators are not such as to command the confidence of the general public or if the best interests of the public will not be promoted by its establishment.

"G. S. 54-44.4. Recording of Articles of Incorporation, Certified Copies. Upon receipt of the certificate provided for in Section 54-44.3, the Secretary of State shall record the articles of incorporation of such guaranty association and furnish a certified copy thereof to the incorporators and to the Commissioner. Upon such recordation, such association shall be deemed a corporation. All papers thereafter filed in the office of the Secretary of State relating to such corporation shall be recorded as provided by law and a certified copy forwarded to the Commissioner.

"G. S. 54-44.5. Proposed Amendments Transmitted to Commissioner. When any proposed amendments to the articles of incorporation of a guaranty association are filed in the office of the Secretary of State, the Secretary of State shall transmit a copy thereof to the Commissioner and shall not record such amendments until authorized to do so by the Commissioner.

"G. S. 54-44.6. Examination and Certificate of Amendments. Upon receipt from the Secretary of State of a copy of proposed amendments to the articles of incorporation of a guaranty association, the Commissioner shall at once examine the proposed amendments to determine their effect on the operation of the guaranty association.

"In the event such proposed amendments are correct in form and substance and the examination shows that if adopted they would not change the character or principal business of the guaranty association, the Commissioner shall so certify to the Secretary of State.

"The Commissioner may refuse to make such certification if upon examination he has reason to believe the proposed amendments would change the character of the business of the guaranty association or the best interests of the public will not be promoted by their adoption.

"G. S. 54-44.7. Recording of Amendments; Certified Copies. Upon receipt of the certificate provided for in G. S. 54-44.6, the Secretary of State shall record the amendments to the articles of incorporation and furnish a certified copy thereof to the corporation and to the Commissioner.

"G. S. 54-44.8. Powers of Associations. A guaranty association incorporated in accordance with the provisions of this Article may:

(1) Assure the liquidity of a member institution;

(2) Guarantee the free shares or deposits in a member institution;

(3) Loan money to a member institution for the purpose of assuring its liquidity and deposits therein;

(4) Buy any assets owned by a member institution for the purpose of assuring its liquidity and deposits therein;

(5) Invest any of its funds in:

a. Bonds or interest bearing obligations of the United States or for which the faith and credit of the United States are pledged for the payment of principal and interest;

b. Bonds or interest bearing obligations of this State;

c. Farm loan bonds issued under the 'Federal Farm Loan Act' and amendments thereto;

d. Notes, debentures, and bonds of the federal home loan bank issued under the 'Federal Home Loan Bank Act' and any amendments thereto;

e. Bonds or other securities issued under the 'Home Owners Loan Act of 1933' and any amendments thereto;

f. Securities acceptable to the United States to secure government deposits in national banks;

g. Certificates of deposit of any financial institution that is subject to examination and supervision by the United States or by this State.

(6) Issue its capital notes or debentures to member institutions, provided the holders of such capital notes or debentures shall not be individually responsible as such holders for any debts, contracts, or engagements of the guaranty association issuing such notes or debentures;

(7) Borrow money;

(8) Exercise any corporate power or powers not inconsistent with, and which may be necessary or convenient to, the accomplishment of its purposes of assuring liquidity of member institutions and guaranteeing deposits therein.

"G. S. 54-44.9. Filing of Semiannual Financial Reports. Each guaranty association shall on the thirtieth day of June and the thirty-first day of December of each year, or within 40 days thereafter, file with the Commissioner a report for the preceding half year, showing its financial condition at the end thereof.

"Such reports shall be in such form and contain such information as may be prescribed by the Commissioner.

"G. S. 54-44.10. Annual Examination of Associations. At least once each year the Commissioner shall make or cause to be made an examination into the affairs of each guaranty association doing business in this State. The expenses of such yearly examination shall be paid by the association so examined.

"G. S. 54-44.11. Special Examinations. Whenever the Commissioner deems it necessary he may make or cause to be made a special examination of any guaranty association doing business in this State in addition to the regular examination provided for by this Article. The expense of a special examination shall be paid by the guaranty association so examined.

"G. S. 54-44.12. Right to Enter and Conduct Investigations. The Commissioner or any examiner appointed by him shall have access to and may compel the production of all books, papers, securities, moneys, and other property of a guaranty association under examination by him. He may administer oaths to and examine the officers and agents of such association as to its affairs.

"G. S. 54-44.13. Fees. Each guaranty association doing business in this State shall pay to the Commissioner, at the time of filing each semiannual report required by this Article, the sum of five dollars ($5.00). All such fees shall be paid into the State treasury to the credit of the General Fund."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1168 CHAPTER 1092

AN ACT FOR THE DEFENSE OF STATE EMPLOYEES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 143 of the General Statutes of North Carolina is amended by adding a new Article 31A as follows:

"Article 31A

"Defense of State Employees

"§ 143-300.2. Definitions. Unless the context otherwise requires, the definitions contained in this Section govern the construction of this Article.

(1) 'Employee' includes an officer, agent, or employee but does not include an independent contractor.

(2) 'Employment' includes office, agency, or employment.

(3) 'The State' includes all departments, agencies, boards, commissions, institutions, bureaus, and authorities of the State.

(4) 'Civil or criminal action or proceeding' includes any case, prosecution, special proceeding, or administrative proceeding in or before any court or agency of this State or any other state or the United States.

"§ 143-300.3. Defense of State Employees. Except as otherwise provided in § 143-300.4, upon request of an employee or former employee, the State may provide for the defense of any civil or criminal action or proceeding brought against him in his official or individual capacity, or both, on account of an act done or omission made in the scope and course of his employment as a State employee.

"§ 143-300.4. Grounds for Refusal of Defense. (a) The State shall refuse to provide for the defense of a civil or criminal action or proceed-

ing brought against an employee or former employee if the State determines that:

(1) The act or ommission was not within the scope and course of his employment as a State employee; or

(2) The employee or former employee acted or failed to act because of actual fraud, corruption, or actual malice on his part; or

(3) Defense of the action or proceeding by the State would create a conflict of interest between the State and the employee or former employee; or

(4) Defense of the action or proceeding would not be in the best interests of the State.

"(b) The determinations required by subsection (a) of this Section shall be made by the Attorney General. The Attorney General may delegate his authority to make these determinations to the chief administrative authority of any agency, institution, board, or commission whose employees are to be defended as provided by subdivisions (a)(3) or (a)(4) of § 143-300.5. Approval of the request by an employee or former employee for provision of defense shall raise a presumption that the determination required by this Section had been made and that no grounds for refusal to defend were discovered.

"§ 143-300.5. Regulations for Providing Defense Counsel. The Governor may issue regulations for the defense of employees or former employees of the State pursuant to this Article through one or more of the following methods as may be appropriate to the employee or class of employees in question:

(1) by the Attorney General;

(2) by employing other counsel for this purpose as provided in § 147-17;

(3) by authorizing the purchase of insurance which requires that the insurer provide or underwrite the cost of the defense; or

(4) by authorizing defense by counsel assigned to or employed by the department, agency, board, commission, institution, bureau, or authority which employed the person requesting the defense."

Sec. 2. G. S. 147-17 is rewritten to read as follows:

"§ 147-17. May Employ Counsel in Cases Wherein State is Interested. (a) No department, agency, institution, commission, bureau or other organized activity of the State which receives support in whole or in part from the State shall employ any counsel, except with the approval of the Governor. In any case or proceeding, civil or criminal, in or before any court or agency of this State or any other state or the United States, or in any other matter in which the State of North Carolina is interested, the Governor may employ such special counsel as he may deem proper or necessary to represent the interest of the State, and may fix the compensation for their services.

"(b) The Attorney General shall be counsel for all departments, agencies, institutions, commissions, bureaus or other organized activities of the State which receive support in whole or in part from the State. Whenever the Attorney General shall advise the Governor that it is impracticable for him to render legal services to any State agency, institution, commission, bureau or other organized activity, or to defend a State

employee or former employee as authorized by Article 31A of Chapter 143 of the General Statutes, the Governor may authorize the employment of such counsel, as in his judgment, should be employed to render such services, and may fix the compensation for their services.

"(c) The Governor may direct that the compensation fixed under this Section for special counsel shall be paid out of appropriations or other funds credited to the appropriate department, agency, institution, commission, bureau, or other organized activity of the State or out of the Contingency and Emergency Fund."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1169 CHAPTER 1093

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES TO AUTHORIZE MUNICIPALITIES AND COUNTIES TO PROVIDE FOR THE DEFENSE OF THEIR EMPLOYEES AND OFFICIALS.

The General Assembly of North Carolina do enact:

Section 1. Article 2 of Chapter 160 of the General Statutes is hereby amended by inserting therein a new Part to be designated as Part 7 and to read as follows:

"Part 7. Defense of Employees and Officials.

"G. S. 160-28.1. Defense of Employees and Officials. Upon request made by or in behalf of any employee or official, or former employee or official, any municipality or county may provide for the defense of any civil or criminal action or proceeding brought against him either in his official or in his individual capacity, or both, on account of any act done or omission made, or any act allegedly done or omission allegedly made, in the scope and course of his employment or duty as an employee or official of such municipality or county. Such defense may be provided by the municipality or county by its own counsel, or by employing other counsel, or by purchasing insurance which requires that the insurer provide the defense. Providing for a defense pursuant to this Section is hereby declared to be for a public purpose, and the expenditure of funds therefor is hereby declared to be a necessary expense. Nothing in this Section shall be deemed to require any municipality or county to provide for the defense of any action or proceeding of any nature."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1173 **CHAPTER 1094**

AN ACT TO LIMIT THE NUMBER OF CONTRACT SHIPPERS WHICH MAY BE SERVED BY A FRANCHISED CONTRACT CARRIER UNDER THE PUBLIC UTILITIES ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-3 (8) is hereby amended by rewriting said subsection to read as follows:

"G. S. 62-3 (8) 'Contract carrier by motor vehicle' means any person which, under an individual contract or agreement with another person and with such additional persons as may be approved by the Utilities Commission, engages in the transportation other than the transportation referred to in Paragraph (7) of this Section, by motor vehicle of persons or property in intrastate commerce for compensation, except as exempted in G. S. 62-260."

Sec. 2. G. S. 62-3 (9) is hereby rewritten to read as follows:

"G. S. 62-3 (9) 'Contract carrier' means any person which under an individual contract or agreement with another person and with such additional persons as may be approved by the Utilities Commission, engages in the transportation of persons or property for compensation, except as exempted in G. S. 62-260."

Sec. 3. G. S. 62-114 is hereby amended by striking out the proviso at the end thereof reading as follows:

", provided, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit as the development of the business and the demands of the public may require" and by inserting in lieu thereof the following:

"provided, that the permit shall list the name of all contract parties the carrier is authorized to serve, and no additions or substitutions of contracts shall be made without approval of the Commission, and the Commission may adopt rules and regulations limiting the number of contract parties served by a contract carrier so that contract carriers shall not hold themselves out to serve in the manner of common carriers".

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after September 30, 1967.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1174 **CHAPTER 1095**

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES TO APPLY THE TERM "CONTRACT CARRIER" ONLY TO MOTOR CARRIERS FRANCHISED UNDER THE PUBLIC UTILITIES ACT, AND TO USE THE TERM "EXEMPT FOR HIRE CARRIERS" FOR EXEMPT CARRIERS PURCHASING FOR HIRE LICENSE PLATES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-88 is hereby amended by striking out the caption "Contract Carrier" appearing over the third column of registration fee

rates in Subsection (b) of said Section and by inserting in lieu thereof the words "Contract Carriers, Flat Rate Common Carriers and Exempt for Hire Carriers".

Sec. 2. G. S. 20-88(g) is hereby amended by striking out the portion thereof in the first three lines and part of the fourth line reading as follows:

"(g) Contract carriers under the definitions of this Article who receive and operate under a certificate or permit or other authority from the Utilities Commission as restricted common carriers under the provisions of §§ 62-121.5 through 62-121.79," and by inserting in lieu thereof the following:

"(g) Contract carriers who receive and operate under a permit or other authority from the Utilities Commission under the provisions of G. S. 62-262 and other provisions of Chapter 62 of the General Statutes relating thereto,".

Sec. 3. G. S. 20-38(24)a is hereby amended by striking out the words:

"a. Contract Carrier Vehicles. All motor vehicles used for the transportation of property for hire, but not licensed as common carriers of property under the provisions of §§ 62-121.5 through 62-121.79; provided, that motor vehicles operating as interstate common carriers of property under authority of the Interstate Commerce Commission shall be registered as contract carrier vehicles if they do contract property-hauling in North Carolina;"

appearing as the caption and the first six lines and part of the seventh line of said subparagraph and by inserting in lieu thereof the following:

"a. Exempt For Hire Vehicles. All motor vehicles used for the transportation of property for hire but not licensed as common carriers or contract carriers of property under franchise certificates or permits issued by the Utilities Commission pursuant to G. S. 62-262 and other provisions of Chapter 62 of the General Statutes, or by the Interstate Commerce Commission;".

Sec. 4. G. S. 20-38 (24) is hereby amended by adding a new subsection f. at the end thereof to read as follows:

"f. Contract Carrier of Property Vehicles. Every motor vehicle used for the transportation of property under a franchise permit of a regulated contract carrier issued by the North Carolina Utilities Commission under G. S. 62-262 or the Interstate Commerce Commission."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after February 15, 1968.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1249 **CHAPTER 1096**

AN ACT ENABLING MECKLENBURG COUNTY TO HOLD A SPECIAL ELECTION FOR THE PURPOSE OF CONSIDERING WHETHER THE COUNTY SHALL OR SHALL NOT IMPOSE AND LEVY A SALES AND USE TAX OF ONE PER CENT UPON THE SALE, USE AND OTHER TAXABLE TRANSACTIONS UPON WHICH THE STATE NOW IMPOSES A THREE PER CENT SALES AND USE TAX.

The General Assembly of North Carolina do enact:

Section 1. Purpose and Intent. It is the purpose of this Act to provide Mecklenburg County and its municipalities with an added source of revenue and to assist them in meeting their growing financial needs by providing that said county may by special election adopt and levy a one per cent (1%) sales and use tax as hereinafter provided.

Sec. 2. County Election as to Adoption of Local Sales and Use Tax. The Board of Elections of Mecklenburg County, upon the written request of the Mecklenburg Board of County Commissioners, or upon receipt of a petition signed by qualified voters of the county equal in number to at least fifteen per cent (15%) of the total number of votes cast in the county, at the last preceding election for the office of Governor, shall call a special election for the purpose of submitting to the voters of the county the question of whether a one per cent (1%) sales and use tax as hereinafter provided will be levied:

"The special election shall be held under the same rules and regulations applicable to the election of members of the General Assembly. A new registration of voters is not required and all qualified voters who are properly registered prior to the registration for the special election, as well as those voters who register for the special election, shall be entitled to vote at said election. The Mecklenburg County Board of Elections shall give at least 20 days' public notice prior to the opening of the registration books for the special election, and the registration books shall remain open for the same period of time before the special election as is required by law for a regular election.

"The Mecklenburg County Board of Elections shall prepare ballots for the special election which shall contain the words, 'FOR the one per cent (1%) local sales and use tax', and the words, 'AGAINST the one per cent (1%) local sales and use tax', with appropriate squares so that each voter may designate by his cross (X) mark his preference.

"The Mecklenburg County Board of Elections shall fix the date of the special election; provided, however, that the special election shall not be held on the day of any biennial election for county officers, nor within 60 days thereof, nor within three years from the date of the last preceding special election under this division, at which the local sales and use tax was approved."

Sec. 3. Effective Date of Tax after Special Election Authorizing Levy. In the event a majority of those voting in a special election held under this division shall approve the levy of the local sales and use tax, the tax shall be imposed on the first day of the month following the expiration of

90 days from the date of the election. Upon receipt of a certified statement from the Mecklenburg County Board of Elections of the results of a special election approving the tax in Mecklenburg County, the Commissioner of Revenue shall proceed as authorized in this division to administer the tax in said county.

Sec. 4. Sales Tax Imposed; Limited to Items on Which the State Now Imposes a Three Per Cent (3%) Sales Tax. The sales tax which may be imposed under this division after the holding of a special election is limited to a tax at the rate of one per cent (1%) of: (1) the sale price of those articles of tangible personal property now subject to the three per cent (3%) sales tax imposed by the State under G. S. 105-164.4(1); (2) the gross receipts derived from the lease or rental of tangible personal property where the lease or rental of such property is an established business now subject to the three per cent (3%) sales tax imposed by the State under G. S. 105-164.4(2); (3) the gross receipts derived from the rental of any room or lodging furnished by any hotel, motel, inn, tourist camp or other similar public accommodations now subject to the three per cent (3%) sales tax imposed by the State under G. S. 105-164.4(3); and (4) the gross receipts derived from services rendered by laundries, dry cleaners, cleaning plants and similar type businesses now subject to the three per cent (3%) sales tax imposed by the State under G. S. 105-164.4(4).

"The exemptions and exclusions contained in G. S. 105-164.13 shall apply with equal force and like manner to the local sales tax authorized to be imposed and levied under this division. The county shall have no authority, with respect to the local sales and use tax, imposed under this division, to change, alter, add or delete any exemptions or exclusions contained under G. S. 105-164.13.

"The local sales tax authorized to be imposed and levied under the provisions of this division shall be applicable to such retail sales, leases, rentals, rendering of services, furnishing of lodging or accommodations and other taxable transactions which are made, furnished or rendered by retailers whose place of business is located within the taxing county. The tax imposed shall apply to the furnishing of rooms, lodging or other accommodations within the county which are rented to transients. Provided, however, no tax shall be imposed where the tangible personal property sold is delivered by the retailer or his agent to the purchaser at a point outside this State. No tax shall be imposed where the tangible personal property sold is delivered to the purchaser at a point outside this State or Mecklenburg County. The maximum amount of additional tax imposed by this Act on one sale shall be ten dollars ($10.00)."

Sec. 5. Use Tax Imposed; Limited to Items upon Which the State Now Imposes a Use Tax Under G. S. 105-164.6. The use tax which Mecklenburg County may impose under this division after the holding of a special election shall be an excise tax to be imposed at the rate of one per cent (1%) of the cost price of each item or article of tangible personal property when the same is purchased to be used, consumed or stored in the taxing county, and such use tax may be imposed only on that tangible personal property upon which the State now imposes a use tax

under the provisions of G. S. 105-164.6. Every retailer engaged in business in this State and required to collect the use tax levied by G. S. 105-164.6 shall also collect the one per cent (1%) use tax authorized by this Act to be levied, upon all sales of tangible personal property for use, consumption, or storage in Mecklenburg County, the same to be collected concurrently with the State's use tax; provided, that the use tax contemplated by this Act shall be levied against the purchaser, but liability for such use tax shall be extinguished upon payment of the use tax to the retailer.

"Where a retail sales or use tax has been paid with respect to said tangible personal property in another taxing jurisdiction outside the State of North Carolina by the purchaser thereof, for storage, use or consumption in Mecklenburg County, said tax paid by the purchaser shall be credited against the tax imposed by this division. If the amount of tax paid to another taxing jurisdiction outside the State of North Carolina or County of Mecklenburg is less than the amount of tax imposed by this division, the purchaser shall pay to the Commissioner an amount sufficient to make the tax paid to the other taxing jurisdiction and this State, and Mecklenburg County, equal to the amount imposed by this Act. The Commissioner of Revenue may require such proof of payment of tax to another state as he deems to be necessary and proper. The maximum amount of additional tax imposed by this Act on one sale shall be ten dollars ($10.00)."

Sec. 6. Collection and Administration of Local Sales and Use Tax; Authorization to Promulgate Rules and Regulations. The North Carolina Commissioner of Revenue shall collect the local sales and use tax imposed by Mecklenburg County pursuant to the provisions of this division and shall be charged with the duty of administering the local sales and use tax authorized to be imposed by this division. In addition to the present statutory provisions authorizing the Commissioner of Revenue to adopt and promulgate rules and regulations pertaining to the administration and collection of taxes under this Article, the Commissioner of Revenue is empowered to promulgate such additional rules and regulations as are necessary and proper for the implementation of this division.

Sec. 7. Retail Bracket System; Application to Local Sales and Use Tax. For the convenience of the retailer in collecting the State sales tax due at the rate of three per cent (3%) and the county sales tax due at the rate of one per cent (1%), and to facilitate the administration of this Article, every retailer engaged in or continuing in business in any county wherein the tax imposed and levied herein shall be applicable, is required by this division to add to the sales price and collect from the purchaser on all taxable sales an amount equal to the following:

No amount on sales of less than 10¢
1¢ on sales of 10¢ to 29¢
2¢ on sales of 30¢ to 59¢
3¢ on sales of 60¢ to 84¢
4¢ on sales of 85¢ to $1.12

Sales over $1.12—straight four per cent (4%) with major fractions governing.

The maximum amount of additional tax imposed by this Act on one sale shall be ten dollars ($10.00).

"The use of the bracket system, set out above, shall not relieve the retailer from the duty and liability of collecting and remitting to the Commissioner of Revenue an amount equal to the tax imposed by the State under Article 5 of Chapter 105 of the North Carolina General Statutes and the tax authorized to be imposed by the taxing counties under this division."

Sec. 8. Retailer to Collect Sales Tax. Every retailer whose place of business is in Mecklenburg County shall on and after the levy of the tax herein authorized collect the one per cent (1%) local sales tax provided by this Act.

"The tax to be collected under this division shall be collected as a part of the sales price of the item of tangible personal property sold, the cost price of the item of tangible personal property used, or as a part of the charge for the rendering of any services, renting or leasing of tangible personal property, or the furnishing of any accommodation taxable hereunder. The tax shall be stated and charged separately from the sales price or cost price and shall be shown separately on the retailer's sales record and shall be paid by the purchaser to the retailer as trustee for and on account of the State or county wherein the tax is imposed. It is the intent and purpose of this Article that the local sales and use tax herein authorized to be imposed and levied by Mecklenburg County shall be added to the sales price and that the tax shall be passed on to the purchaser instead of being borne by the retailer. The Commissioner of Revenue shall design, print and furnish to all retailers the necessary forms for filing returns and instructions to insure the full collection from retailers, and the Commissioner may adapt the present form used for the reporting and collecting of the State sales and use tax to this purpose.

Sec. 9. Disposition and Distribution of Taxes Collected; County and Municipalities to Share with Tax Districts. The Commissioner of Revenue shall, on a quarterly basis distribute to Mecklenburg County and municipalities within Mecklenburg County the net proceeds of the tax collected under this division. This amount shall be divided between the county and all municipalities therein in proportion to the total amount of ad valorem taxes levied by each during the fiscal year preceding such distribution. In computing the amount of tax proceeds to be distributed to Mecklenburg County and its municipalities, the amount of any ad valorem taxes levied but not substantially collected shall be ignored. In computing "net proceeds", the Commissioner of Revenue shall determine the cost of collection of said tax and cost of collection of said tax shall be retained by the State before distribution of net proceeds.

Sec. 10. Definitions; Application of Other Provisions of Article 5 of Chapter 105 of the General Statutes of North Carolina; Construction of this Division; Penalties. The definitions set forth in G. S. 105-164.3 shall apply to this division insofar as such definitions are not inconsistent with the provisions of this division, and all other present provisions of Article 5 as the same relate to the State Sales and Use Tax Act shall be applicable to this division unless such provisions are inconsistent with the provisions

of this division. In construing and interpreting the provisions of this division, the Commissioner of Revenue may uniformly apply the administrative interpretations which have heretofore been made by the Department of Revenue as to the State Sales and Use Tax Act. It is the intention of this division that the provisions of this division and the provisions of the State Sales and Use Tax Act, insofar as it is practicable, shall be harmonized.

"The penalty provisions now applicable to the enforcement of the State Sales and Use Tax Act shall be applicable in like manner to the tax authorized to be levied and collected under this division."

If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1351 CHAPTER 1097

AN ACT AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF TYRRELL COUNTY TO FIX THE COMPENSATION OF ITS MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Tyrrell County is hereby authorized, in its discretion, to fix the salary of the chairman of the board at a sum not to exceed fifty dollars ($50.00) per month, and the compensation of the other members of the board not to exceed fifteen dollars ($15.00) per meeting. In addition, the Board of County Commissioners may pay the chairman and each member of the board a travel allowance not to exceed ten cents (10¢) per mile and actual expenses incurred in the performance of their official duties.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1356 CHAPTER 1098

AN ACT TO AMEND G. S. 20-30 (e) AND G. S. 20-17, IMPOSING PENALTIES ON PERSONS CONSPIRING TO PROCURE DRIVERS' LICENSES BY FRAUDULENT MEANS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (e) of G. S. 20-30, as the same appears in the 1953 Recompiled Volume 1C of the General Statutes, is amended by

deleting the period at the end of the first sentence and substituting a comma therefor and by adding the following words: "or for any person to procure, or knowingly permit or allow another to commit any of the foregoing acts."

Sec. 2. G. S. 20-17, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding thereto a new subsection to be designated subsection "(8)" to read as follows:

"Conviction of using a false or fictitious name or giving a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly making a false statement or knowingly concealing a material fact or otherwise committing a fraud in any such application or procuring or knowingly permitting or allowing another to commit any of the foregoing acts."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1363 CHAPTER 1099

AN ACT TO MAKE CHAPTER 504 OF THE SESSION LAWS OF 1965, RELATING TO HISTORIC BUILDINGS AND SITES, APPLICABLE TO THE CITY OF NEW BERN.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 504 of the Session Laws of 1965, as amended, is hereby further amended by adding at the end thereof a new sentence to read as follows:

"This Act shall apply to the City of New Bern and the area within its zoning jurisdiction."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1366 CHAPTER 1100

AN ACT TO AMEND H. B. 766 (CHAPTER 646, SESSION LAWS OF 1967, RATIFIED MAY 31, 1967) WITH RESPECT TO THE METHOD OF VOTING UPON THE ESTABLISHMENT OF ONE ADMINISTRATIVE UNIT FOR ALL OF THE PUBLIC SCHOOLS IN BURKE COUNTY AND THE ISSUANCE OF NOT EXCEEDING $8,000,000 SCHOOL BUILDING BONDS OF BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. H. B. 766, the same being Chapter 646, Session Laws of 1967, ratified May 31, 1967, is hereby amended as follows:

(a) Section III is hereby amended to read as follows:

"Sec. III. The Burke County Board of Education, the Morganton City Schools Board of Education, and the Glen Alpine City Schools Board of

Education, by majority vote of the full membership of each of said boards, may jointly petition the Burke County Board of Commissioners to call a county-wide election on the following subjects: (a) the merger of the Burke County Board of Education Administrative Unit and the Morganton City Schools Board of Education Administrative Unit, and the Glen Alpine City Schools Administrative Unit, and their respective Boards of Education; (b) the construction of new consolidated high schools to be located in accordance with the recommendations of the State Survey, January, 1963, and to be established to serve all of the students in Burke County, and the issuance of bonds pursuant to the County Finance Act, as amended, for construction of said consolidated high schools and for other school capital outlay purposes in an amount not exceeding eight million dollars ($8,000,000); (c) to require the merged Burke County Public Schools Board of Education to request and the Burke County Board of Commissioners to appropriate annually from general tax revenues, such amount as will provide funds which shall be no less than the current expense expenditures per student levied and appropriated to the Administrative Units in the Burke County School System during the fiscal year preceding the year in which the election as herein set forth for the merger is held; (d) to require the county commissioners to levy a county-wide supplemental school tax computed on the then current county-wide taxable valuation at a rate to produce not less than the per capita dollar produced per student by the existing supplemental tax in the Morganton Graded School District in the last completed fiscal year preceding the election, not to exceed fifty cents (50¢) per one hundred dollars ($100.00) assessed valuation."

(b) Section IV is hereby amended to read as follows:

"Sec. IV. Upon the receipt of such petitions, it shall be the duty of the Board of Commissioners for the County of Burke to call an election within 60 days thereafter and to fix a date for said election, which date shall be within 120 days after the receipt of said petitions. At said election there shall be submitted to the qualified voters of Burke County four questions in substantially the following form:

1. If a majority of the qualified voters of the County of Burke who shall vote thereon shall vote for the approval of the order authorizing not exceeding eight million dollars ($8,000,000) School Building Bonds (mentioned in question 2), the appropriation of certain funds (mentioned in question 3) and the levying of a supplemental school tax (mentioned in question 4), shall the Burke County Board of Education Administrative Unit, the Morganton City Schools Board of Education Administrative Unit and the Glen Alpine City Schools Administrative Unit, and their respective Boards of Education be merged and consolidated into one administrative unit with one Board of Education as its governing body to the end that all of the public schools of Burke County shall be administered and operated by one Board?

2. If a majority of the qualified voters of the County of Burke who shall vote thereon shall vote for the approval of the merger and consolidation of the administrative units into one administrative unit with one Board of Education, the appropriation of certain funds as set forth in

question 3 and the levying of a supplemental school tax as set forth in question 4, shall an order passed by the Board of Commissioners for the County of Burke authorizing not exceeding eight million dollars ($8,000,000) School Building Bonds of said county for the purpose of providing funds, with any other available funds, for the construction of new consolidated high schools to be located in accordance with the recommendations of the State Survey, January, 1963, and to serve all of the students in Burke County and for (briefly stating the purpose), be approved?

3. If a majority of the qualified voters of the County of Burke who shall vote thereon shall vote for the approval of the merger and consolidation of the administrative units into one administrative unit with one Board of Education, the order authorizing not exceeding eight million dollars ($8,000,000) School Building Bonds and the levying of a supplemental school tax, shall the merged Burke County Public Schools Board of Education be required to request and the Burke County Board of Commissioners be required to appropriate annually from general tax revenues, such amount as will provide funds which shall be no less than the current expense expenditures per student levied and appropriated to the administrative units in the Burke County School System during the fiscal year preceding the year in which this election is held?

4. If a majority of the qualified voters of the County of Burke who shall vote thereon shall vote for the approval of the merger and consolidation of the administrative units into one administrative unit with one Board of Education, the order authorizing not exceeding eight million dollars ($8,000,000) School Building Bonds, and the appropriation of certain funds as set forth in question 3, shall the Board of Commissioners of Burke County be required to levy a county-wide supplemental school tax not to exceed fifty cents (50¢) per one hundred dollars ($100.00) assessed valuation?

"The School Building Bonds in an amount not exceeding eight million dollars ($8,000,000) hereinabove mentioned shall be issued pursuant to and in compliance with The County Finance Act, as amended, being Article 9 of Chapter 153 of the General Statutes, and shall be issued for the purposes therein provided in G. S. 153-77 (1).

"Such election shall be held and conducted, in accordance with the applicable provisions of the General Statutes of North Carolina, in the same manner as elections are held to determine the question of the issuance of bonds; provided, however, that the election shall not be held at the time of any other election nor in conjunction with an election for any other purpose whatever. The form of the ballot shall be determined by the board of commissioners of said county and voting machines may be used.

"The board of commissioners shall prepare a statement showing the number of votes cast for and against each question and declaring the result of the election, which statement shall be signed by a majority of the members of said board and delivered to the clerk or recording officer who shall record it in the minutes of such board and file the original in his office and publish it once in a newspaper of general circulation in Burke County."

(c) Section VI (e) is hereby amended to read as follows:

"Sec. VI. (e). The financial administration of the Burke County Board of Education shall be governed by the provisions of the General Statutes of North Carolina as they apply to the financial administration of county school administrative units. Notwithstanding the provisions of G. S. 115-50, the monthly payroll therein provided for, as to each school, shall be signed by the principal of the school and it shall not be required that committee chairmen sign the same. Whenever the Burke County Board of Education shall have authorized the execution of any contract, conveyance, or other instrument, the vice chairman shall have the same authority as the chairman to execute the same on behalf of such board. In the event of the absence or inability of both the chairman and vice chairman to attend any meeting or meetings, the Burke County Board of Education, by resolution duly adopted and spread upon the minutes of any meeting, may authorize any other member to execute any contract, for and on behalf of such board."

(d) Section VIII is hereby amended to read as follows:

"Sec. VIII. If all of the conditions prerequisite to the issuance of bonds set forth in this Act are not complied with and satisfied, no School Building Bonds shall be issued under this Act and the Board of Commissioners for the County of Burke shall repeal the order authorizing such School Building Bonds if such order shall have been approved by the voters.

"Nothing contained in this Act shall limit or restrict the power of the County of Burke to authorize and issue bonds for school purposes pursuant to and in compliance with The County Finance Act, as amended, including the issuance of bonds for the same purpose and in the same amount as may be authorized pursuant to the provisions of this Act."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1367 CHAPTER 1101

AN ACT TO AMEND CHAPTER 212, SESSION LAWS OF 1955, SO AS TO FIX THE COMPENSATION OF THE CLERK AND DEPUTY CLERKS OF THE MUNICIPAL COURT OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 212, Session Laws of 1955, is hereby amended by deleting the words and figures "fifteen hundred dollars ($1500.00)" in lines 19 and 20 and inserting in lieu thereof the words and figures "eight thousand dollars ($8,000.00) each".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1398 CHAPTER 1102

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Graham County shall consist of three members to be nominated and elected by the qualified voters of the entire county for terms of four years as herein provided.

Sec. 2. In the primary and general election to be held for county officers in 1970, and quadrennially thereafter, there shall be nominated and elected three members of the Graham County Board of Education.

Sec. 3. The primary and general election provided for herein shall be held and conducted at the same time and under the same laws and regulations pertaining to the nomination and election of county officers as provided in Chapter 163 of the General Statutes except as otherwise provided herein. If the number of candidates of a political party filing notice of candidacy is less or equal to the number of offices to be filled, then such candidates shall be declared the nominees for such political party and no primary election shall be held for such candidates or party, and such nominees' names shall appear on the general election ballot.

Sec. 4. Any vacancy occurring on the Board of Education of Graham County, for any reason, shall for the remainder of the unexpired term be filled by the county executive committee of the political party to which the member causing the vacancy belongs.

Sec. 5. The Graham County Board of Education shall hold its organizational meeting on the first Monday in December, 1970, and quadrennially thereafter, and shall elect a chairman and such other officers as it deems necessary.

Sec. 6. Members of the Board of Education elected in 1970, and thereafter, shall qualify by taking the oath of office on the first Monday in December of the year in which elected, at which time their term of office shall begin.

Sec. 7. The terms of office of the present members of the Graham County Board of Education, all of which expire on the first Monday in April, 1971, shall continue to the first Monday in December, 1970, at which time their terms shall terminate.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1399 **CHAPTER 1103**

AN ACT AMENDING CHAPTER 58, PUBLIC-LOCAL LAWS OF 1939 RELATING TO THE CHARTER OF THE CITY OF KINGS MOUNTAIN.

The General Assembly of North Carolina do enact:

Section 1. Section 6 of Chapter 58, Public-Local Laws of 1939 is amended by striking from line 14 thereof the words "seven A.M. and seven P.M." and substituting in lieu thereof the words "nine A.M. to five P.M." and by striking from lines 36 and 37 thereof the words "seven o'clock, A.M., and close them at six o'clock, P.M.," and substituting in lieu thereof the words "six-thirty o'clock, A.M. and close them at six-thirty o'clock P.M.,".

Sec. 2. Section 6 is further amended by inserting after the word "order;" and before the word "that in line 28 thereof the following:

"on challenge day the registration books shall be kept open at the polling place in each ward, between the hours of nine A.M. and three P.M., for the inspection of the electors of the ward;".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1404 **CHAPTER 1104**

AN ACT TO AUTHORIZE THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION TO REGULATE THE DAILY SHOOTING HOURS FOR WATERFOWL IN HYDE COUNTY DURING THE ANNUAL WATERFOWL SEASON SET BY THE FEDERAL GOVERNMENT.

The General Assembly of North Carolina do enact:

Section 1. Subject to the written recommendation of the Director of the United States Bureau of Sport Fisheries and Wildlife, the North Carolina Wildlife Resources Commission is authorized to regulate the daily shooting hours for waterfowl in Hyde County during the annual waterfowl season established by the Federal Government. This Act shall not apply to Ocracoke Island nor the waters within 10 miles thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1405 **CHAPTER 1105**

AN ACT CONVEYING PROPERTY OWNED BY THE FORMER TOWN OF ENGLEHARD TO THE COUNTY OF HYDE.

The General Assembly of North Carolina do enact:

Section 1. There is hereby conveyed to the County of Hyde that real and personal property known as the Englehard Community Building and Library formerly owned and presently located in the former Town of Englehard. The County of Hyde is hereby authorized to hold, operate, maintain, use, and dispose of said property as now authorized by law for other county property.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. B. 1407 **CHAPTER 1106**

AN ACT PROVIDING FOR THE NONPARTISAN ELECTION OF THE COUNTY BOARD OF EDUCATION OF MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Macon County shall consist of three members who shall be elected as hereinafter provided.

Sec. 2. At the same time the general election for county officers is held in Macon County in 1968, and biennially thereafter, there shall be held a nonpartisan election to elect one member of the Board of Education of Macon County to serve for a six-year term.

Sec. 3. Each candidate shall file his candidacy, without reference to any political party affiliation, with the Chairman of the County Board of Elections no later than 40 days prior to the date of the general election for county officers. A filing fee of five dollars ($5.00) shall be paid by each candidate. There shall be a separate ballot provided by the County Board of Elections with the names of the candidates printed thereon with appropriate instructions for use in the election of members of the Board of Education, and no political party affiliation shall be shown on said ballot. The candidate receiving the highest number of votes in the election of 1968, and biennially thereafter, shall be certified as the duly elected member of the Board of Education.

Sec. 4. The member of the Board of Education of Macon County elected in 1968, and biennially thereafter, shall be inducted into and take the oath of office on the first Monday in April following his election and shall serve for a term of six years and until his successor is elected and qualified. All members of the Board of Education of Macon County who are in office and acting as such members prior to the first Monday in April, 1969, shall complete their respective terms of office. The said Board of Education shall consist of three members serving six-year terms with one vacancy occurring every two years.

Sec. 5. All vacancies occurring in the membership of the Board of Education of Macon County by death, resignation, or otherwise, shall be filled within 10 days of such vacancy for the unexpired term by the remaining members of such Board of Education. If the remaining members cannot agree within 10 days of such vacancy on the name of a successor, such vacancy shall be filled within 10 days thereafter by the Governor for the unexpired term.

Sec. 6. All elections for the members of the Board of Education of Macon County as herein provided shall be held under the laws and regulations governing elections for county offices as provided in Chapter 163 of the General Statutes, as amended.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. B. 19 CHAPTER 1107

AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS OF THE STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The appropriations made herein are intended to be for maximum amounts necessary to provide the services and accomplish the purposes described in The Budget. It is the intent of the General Assembly that savings shall be effected where the total amounts appropriated shall not be required to perform these services and accomplish these purposes, and that such savings shall be reverted to the appropriate fund at the end of the biennium.

GENERAL FUND

Sec. 2. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are hereby made for the two fiscal years ending June 30, 1968, and June 30, 1969, respectively, according to the following schedule:

I. GENERAL GOVERNMENT

	1967-68	1968-69
The General Assembly	$	$ 1,515,900
Judicial Department	5,829,892*	13,273,485*
Judicial Council	1,165	1,165
Counsel for Indigent Defendants	747,830*	816,730*
The Governor's Office	311,349*	295,973*
The Lieutenant Governor	12,163	12,451
Department of Administration	3,815,919*	3,952,799*
Department of Personnel	520,282*	529,713*
Secretary of State	165,739	169,723
State Auditor	491,423	549,996

	1967-68	1968-69
State Treasurer:		
1. State Treasurer	$ 209,138	$ 221,332
2. Local Government Commission	115,356	116,303
Department of Justice:		
1. Attorney General	236,287	239,838
2. State Bureau of Investigation	675,591*	639,624
3. General Statutes Commission	14,787	14,851
Department of Revenue	6,946,916*	7,177,783*
Department of Tax Research	106,895	116,649
North Carolina Tax Review Board	6,480	6,524
State Board of Elections	40,612	47,251
North Carolina Courts Commission	22,500*	22,500*
Legislative Research Commission	16,000*	16,000*
North Carolina Capital Planning Commission	35,000	35,000
Contingency and Emergency:		
1. To provide for contingency and emergency expenditures for any purpose authorized by law for which no specific appropriation is made hereunder, or for which inadvertently an insufficient appropriation has been made under this Section. Allotments are to be made from this appropriation under the provisions of G. S. 143-12, or such other statute as may be applicable	1,350,000*	1,350,000*
Salary Adjustment Fund	794,075*	1,460,743*
Salary Increases—Council of State	—	8,000*
Subtotal—General Government	$ 22,465,399*	$ 32,590,333*

II. PUBLIC SAFETY AND REGULATION

The Adjutant General:		
1. Adjutant General's Office	$ 589,981*	$ 596,105*
2. Armory Commission	51,000	41,600
State Civil Air Patrol	18,136	18,352
State Civil Defense Agency	159,562	160,778
Department of Motor Vehicles:		
1. Automobile Drivers' Financial Responsibility Program	568,608	603,460
Utilities Commission	441,588	442,420
Insurance Department:		
1. Insurance Department	745,564*	766,213*
2. State Property Fire Insurance Fund	250,000	250,000
3. Firemen's Relief Fund	1,750	1,750
4. Building Code Council	3,808	3,808
Department of Labor	775,526	795,833
Industrial Commission	413,070	439,056*
State Board of Alcoholic Control	731,897*	740,972*

	1967-68	1968-69
Department of Agriculture:		
1. Gasoline and Oil Inspection Service	$ 140,957	$ 137,199
Subtotal—Public Safety and Regulation	$ 4,891,447*	$ 4,997,546*

III. CORRECTION

North Carolina Board of Juvenile Correction:		
1. General Administration	$ 104,432	$ 108,353
2. Stonewall Jackson Training School	649,599*	678,809*
3. State Home and Industrial School for Girls—Samarcand Manor	609,025*	648,357*
4. Morrison Training School	734,063*	755,252*
5. Eastern Carolina Training School	451,184*	471,156*
6. State Training School for Girls—Dobbs Farm	440,193*	462,811*
7. Leonard Training School	516,819*	547,030*
8. Juvenile Evaluation Center	891,062*	925,844*
9. New Training School	306,359*	366,997*
Fugitives from Justice	6,500	6,500
Prison Department	14,017,806*	14,566,670*
Probation Commission	2,035,068	2,022,525
Board of Paroles	816,298	833,620
Subtotal—Correction	$ 21,578,408*	$ 22,393,924*

IV. PUBLIC WELFARE

Department of Public Welfare:		
1. Department of Public Welfare	$ 18,275,468*	$ 19,438,170*
2. Child Welfare and Day Care Services	1,060,541	1,099,740
State Commission for the Blind	1,980,891*	2,011,830*
Veterans Commission:		
1. Veterans Commission	515,072*	522,573*
2. County Service Officers	94,000	94,000
Confederate Women's Home	68,092	68,554
Oxford Orphanage	62,250	62,250
Junior Order Children's Home	55,000	55,000
Central Orphanage of North Carolina	86,000	86,000
Odd Fellows Home	11,000	11,000
Pythian Home	11,000	11,000
Alexander Schools, Inc.	40,000	40,000
Eliada Homes, Inc.	15,000	15,000
Boys Home of North Carolina, Inc.	10,000	10,000
Sipe's Orchard Home, Inc.	12,593	12,593
Subtotal—Public Welfare	$ 22,296,907*	$ 23,537,710*

V. EDUCATION

	1967-68	1968-69
Department of Public Instruction:		
1. Administration and Supervision	$ 1,108,049	$ 1,129,153
State Board of Education:		
1. Nine months School Fund	308,415,173*	337,729,476*
2. State Board of Education	766,076	769,494
3. Vocational Education	10,174,613*	11,457,721*
4. Purchase of Free Textbooks	9,867,240	8,613,445
5. Vocational Textile School	116,549	114,682
6. Purchase of School Buses	2,843,345	2,843,345
7. Division of School Planning	207,286	211,117
8. Comprehensive School Improvement Project	785,716	785,716
9. Vocational Rehabilitation	1,572,848*	1,586,179*
10. Department of Community Colleges—Equipment	4,952,058*	1,602,449*
11. Instruction and Training for Trainable Mentally Handicapped Children	1,073,067	1,184,304
12. National Defense Education Program	241,357	248,395
13. Department of Community Colleges	17,884,494*	22,877,148*
14. Program of Education by Television	123,405	124,905
15. Professional Improvement of Teachers	154,374	155,322
State Board of Higher Education:		
1. State Board of Higher Education	1,161,515*	1,464,740*
2. State Education Assistance Authority	30,600*	30,600*
Department of Administration—Reserve for Educational Benefits—Children of Veterans	651,334*	650,844*
University of North Carolina (Consolidated):		
1. General Administration	743,715*	770,399*
2. University of North Carolina at Chapel Hill		
a. University of North Carolina at Chapel Hill	16,650,406*	18,021,743*
b. Division of Health Affairs	5,358,867	5,826,362*
3. North Carolina State University at Raleigh	13,200,016*	14,080,694*
4. University of North Carolina at Greensboro	5,186,556*	5,783,256*
5. University of North Carolina at Charlotte	2,168,633*	2,447,200*
East Carolina College	7,031,938*	7,701,739*
The Agricultural and Technical College	2,977,340*	3,034,478*
Western Carolina College	2,712,919*	3,124,815*
Appalachian State Teachers College	3,706,731*	4,073,122*
Pembroke State College	1,266,208*	1,221,765*
Winston-Salem State College	1,313,164*	1,268,190*
Elizabeth City State College	906,856*	918,105*
Fayetteville State College	1,005,245*	997,790*

	1967-68	1968-69
North Carolina College at Durham	$ 2,793,133*	$ 2,926,562*
Asheville-Biltmore College	968,405*	1,020,126*
Wilmington College	975,224*	1,039,175*
North Carolina Board of Science and Technology	490,722*	491,687*
North Carolina School for the Deaf	1,419,095*	1,508,155*
Eastern North Carolina School for the Deaf	554,286*	636,680*
The Governor Morehead School	1,525,609*	1,610,324*
Student Loan Funds:		
1. Medical Care Commission — Medical Education	300,000	300,000
2. State Board of Education — Teacher Education	747,500	800,000
Department of Archives and History	963,661*	974,433*
Tryon Palace—Department of Archives and History	96,743	100,032
State Library:		
1. Library	269,459*	267,341*
2. State Aid to Public Libraries	792,768	794,579
North Carolina Museum of Art	347,571	282,240
North Carolina State Art Society	7,000	7,000
North Carolina Symphony Society, Inc.	75,000	75,000
North Carolina School of the Arts	667,194	749,963
Old Salem, Inc.	62,500*	62,500*
Highlands Biological Station, Inc.	15,150	15,150
Moore's Creek Battleground Association	500	500
Parkway Playhouse, Inc. — University of North Carolina at Greensboro	25,000*	—
North Carolina Rhododendron Festival, Inc.	5,000*	—
North Carolina Apple Festival	2,500*	—
Department of Administration:		
1. Reserve for Higher Education—To Replace Contributions by Auxiliary Services to Academic Expense	30,000	30,000
Subtotal—Education	$439,491,713*	$476,540,140*

VII. NON-HIGHWAY TRANSPORTATION

State Ports Authority	$ 208,969*	$ 208,969*

VIII. HEALTH AND HOSPITALS

State Board of Health	$ 6,702,867*	$ 6,908,776*
Medical Care Commission—Administration	178,257	181,271
University of North Carolina:		
1. Memorial Hospital—Psychiatric Center	881,574*	913,569*
2. Memorial Hospital	3,540,093*	3,978,514*

	1967-68	1968-69
Department of Mental Health:		
1. General Administration	$ 3,595,196*	$ 4,255,930*
2. Alcoholic Rehabilitation Program	301,271	440,639
3. Dorothea Dix Hospital	6,176,675	6,276,322
4. Broughton Hospital	5,939,949	5,969,324
5. Western Carolina Center	2,605,022*	2,894,294
6. Cherry Hospital	6,360,392	6,483,739
7. O'Berry Center	3,133,861	3,191,012
8. John Umstead Hospital	5,001,461	5,138,556
9. Murdoch Center	4,590,430	4,698,688
10. Caswell Center	4,150,306	4,235,785
11. Wright School	78,277*	145,000*
Advisory Council on Mental Retardation	134,211*	135,531*
North Carolina Orthopedic Hospital	677,933	679,207
North Carolina Cerebral Palsy Hospital	283,941	287,124
North Carolina Sanatorium System:		
1. General Administration	84,412*	83,460*
2. North Carolina Sanatorium	1,540,884	1,570,223
3. Western North Carolina Sanatorium	1,417,979	1,453,148
4. Eastern North Carolina Sanatorium	1,787,791	1,824,252
5. Gravely Sanatorium	769,460	758,277
Asheville Orthopedic Hospital	90,000	90,000
North Carolina Cancer Institute, Inc.	26,000	26,000
Subtotal—Health and Hospitals	$ 60,048,242*	$ 62,618,641*

IX. NATURAL RESOURCES AND RECREATION

Department of Conservation and Development:		
1. Department of Conservation and Development	$ 5,444,652*	$ 5,524,719*
2. Kerr Reservoir Development Commission—Nutbush Conservation Area	54,321	53,160
Department of Water Resources	794,917*	801,794*
North Carolina National Park, Parkway and Forests Development Commission	9,916	9,916
Industrial Extension Service—North Carolina State University at Raleigh	235,951	287,011
Rural Electrification Authority	79,023	80,373
North Carolina Recreation Commission	136,677	136,791
Confederate Museum—Richmond, Virginia	200	200
Confederate Cemetery—Raleigh, North Carolina	350	350
Garden Clubs of North Carolina, Inc.—The Elizabethan Garden	5,500	5,500
Brevard Music Center	25,000*	25,000*
Person-Caswell Lake Authority	25,000*	—
Subtotal—Natural Resources and Recreation	$ 6,811,507*	$ 6,924,814*

X. AGRICULTURE

	1967-68	1968-69
Department of Agriculture	$ 3,902,850*	$ 4,016,272*
Agricultural Experiment Station — North Carolina State University at Raleigh	4,171,027*	4,362,384*
Cooperative Agricultural Extension Service—North Carolina State University at Raleigh	4,060,566*	4,187,162*
State Soil and Water Conservation Committee	200,706*	201,951*
Subtotal—Agriculture	$ 12,335,149*	$ 12,767,769*

XII. RETIREMENT AND PENSIONS

Teachers' and State Employees' Retirement System:		
1. Administration	$ 377,952	$ 390,014
2. State Contributions	61,553,260*	65,059,826*
3. Teachers and State Employees Who Had Attained Age 65 at August 1, 1959	197,000	189,000
Law Enforcement Officers' Benefit and Retirement Fund—Contributions from General Fund	68,188	69,125
North Carolina Firemen's Pension Fund	517,205	516,779
Pensions—Confederate Widows	30,192	21,192
Pensions—Widows of Governors	12,000	12,000
Subtotal—Retirement and Pensions	$ 62,755,797*	$ 66,257,936*

XIII. DEBT SERVICE

Interest on Bonds	$ 6,295,459*	$ 6,293,448*
Redemption of Bonds	11,215,000	11,480,000
Landscrip Fund	7,500	7,500
Subtotal—Debt Service	$ 17,517,959*	$ 17,780,948*

XIV. SALARY INCREASES

State Employees Subject to Personnel Act	$ 6,707,796*	$ 6,781,152*
TOTAL—GENERAL FUND	$677,109,293*	$733,399,882*

HIGHWAY FUND

Sec. 3. Appropriations from the Highway Fund of the State for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of the highway activities, are hereby made for the two fiscal years ending June 30, 1968, and June 30, 1969, respectively, according to the following schedule:

I. GENERAL GOVERNMENT

	1967-68	1968-69
Salary Adjustments — Highway Fund Employees	$ 150,000*	$ 350,000*

II. PUBLIC SAFETY AND REGULATION

Department of Motor Vehicles	$ 18,669,933*	$ 19,440,263*
Transportation Inspection (Utilities Commission)	202,247	201,469
Gasoline Inspection Service (Department of Agriculture)	367,168	365,108
Subtotal—Public Safety and Regulation	$ 19,239,348*	$ 20,006,840*

V. EDUCATION

Driver Training and Safety Education	$ 2,044,389	$ 2,201,987

VI. HIGHWAYS

State Highway Commission:		
1. Merit Salary Increments	$ 1,909,630	$ 3,306,451*
2. Reserve for Contingencies	965,819*	939,017*
3. General Administration	2,989,954	3,007,675*
4. Engineering Administration and Supervision	7,038,571*	6,962,790*
5. State Maintenance and Construction:		
a. Primary System	33,000,000	36,000,000
b. Secondary System	50,300,000*	52,729,205*
c. Urban System	6,700,000	7,300,000
d. Public Service Roads	1,300,000	1,330,000
6. State Funds to Match Federal Aid Highway Planning Survey and Highway Planning Research	521,666	521,666
7. State Funds to Match Federal Aid Construction	35,300,000	37,500,000
8. State Aid to Municipalities	9,937,500	10,265,000
Subtotal—Highways	$149,963,140*	$159,861,804*

XII. RETIREMENT AND PENSIONS

Contributions to Retirement System — Salary Adjustments	$ 20,000*	$ 40,000*
Teachers' and State Employees' Retirement System:		
Contribution from Highway Fund — Salary Increases	438,758*	448,121*
Contribution from State Highway Commission	7,023,033*	7,327,909*
Subtotal—Retirement and Pensions	$ 7,481,791*	$ 7,816,030*

XIII. DEBT SERVICE

	1967-68	1968-69
Interest on and Redemption of Highway Bonds	$ 32,178,187	$ 32,468,250

XIV. SALARY INCREASES

Salary Increases for Highway Fund Employees	$ 4,157,580*	$ 4,180,273*
TOTAL—HIGHWAY FUND	$215,214,435*	$226,885,184*

Transfers and changes may be made in the Highway Fund from Merit Salary Increments, Salary Increases, Salary Adjustments, Contribution to Retirement System—Salary Increases, and Contribution to Retirement System—Salary Adjustments to other operating appropriations in the Highway Fund by authorization of the Director of the Budget. Transfers and changes may be made from Reserve for Contingencies to other operating appropriations in the Highway Fund by authorization of the Governor and Council of State. Transfers and changes may be made to and/or from Title VI—3, 4, 5(a), (b), (c), (d), 6 and 7 by authorization of the Director of the Budget: PROVIDED, Title VI—5(a), (b), (c), (d), 6 or 7 shall not be reduced by more than ten per cent (10%).

In the event that the revenues accruing to the Highway Fund exclusive of one cent (1¢) gasoline tax for Debt Service, exceed the estimated revenues for each year of the biennium, to wit, one hundred eighty-one million, five hundred fifteen thousand dollars ($181,515,000) for the fiscal year 1967-68 and one hundred eighty-nine million, six hundred seventy-eight thousand dollars ($189,678,000) for the fiscal year 1968-69, such excesses may be allocated in the next succeeding year by the Director of the Budget, to increase the appropriations under Titles II and VI—3, 4, 5(a), (b), (c), (d), 6 and 7. Increases in Highway Fund surplus from sources other than revenues may be allocated in the next succeeding year by the Director of the Budget, to increase the appropriations under Titles II and VI—3, 4, 5(a), (b), (c), (d), 6 and 7.

Sec. 4. There is hereby appropriated out of funds available in the various Special Funds sufficient amounts to carry on required activities included under each Fund's operations subject to provisions of the Executive Budget Act, Chapter 143, Article I, General Statutes of North Carolina.

GENERAL PROVISIONS

Sec. 5. All insurance and all official fidelity, and surety bonds authorized for the several departments, institutions, and agencies shall be effected and placed by the Insurance Department, and the cost of such placement shall be paid by the department, institution, or agency involved upon bills rendered to and approved by the Insurance Commissioner.

SPECIAL PROVISIONS

Sec. 6. The appropriation made out of the General Fund for the Prison Department includes funds to be transferred or paid to the Dorothea Dix Hospital at Raleigh and Cherry Hospital at Goldsboro for care, custody, and treatment of the criminally insane prisoners, and to the North Carolina Sanatorium for care, custody, and treatment of prisoners who have tuberculosis; with the amount of funds to be determined as follows: At the beginning of each month the Dorothea Dix Hospital at Raleigh, the Cherry Hospital at Goldsboro, and North Carolina Sanatorium shall render to the Prison Department a bill, on the basis of the per capita cost per day for the preceding fiscal year, as may be determined by the Director of the Budget, for the care, custody, and treatment, during the preceding month, of criminally insane prisoners and prisoners who have tuberculosis and who have been transferred from the Prison System to said institutions, and the Prison Department shall pay such bills monthly.

Sec. 7. Appropriations made herein to the various State agencies for the purpose of purchase of medical, dental, and optometric care, services and treatment, including hospitalization, will be disbursed on the basis of fee schedules and rates approved by the Advisory Budget Commission.

Sec. 8. The Director of the Budget is authorized and empowered to transfer, as between the three institutions, the appropriations made in this Act for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and the Governor Morehead School, when in his opinion it shall be deemed to be in the best interest of the State.

Sec. 9. Funds appropriated herein to the State Board of Education to provide for additional teachers and/or for specified purposes shall be used for those purposes, and may not be diverted to any other use, except in emergency situations as determined by the Governor and the Advisory Budget Commission.

Sec. 10. It is the intention of this Act that, as to new units except those herein authorized, no recommendations for establishment of additional units shall be made by the Department of Community Colleges in the absence of a showing of a clear and urgent need in a particular area of the State, to the end that during the 1969-71 biennium adequate support may be provided for equipping and upgrading the operations, and for providing State matching funds for capital improvements, at existing institutions.

It is the further intention of this Act that it shall be the announced policy of the Department of Community Colleges that, as to capital improvement projects, no construction contracts may be let until it has been clearly established that funds are available for the related permanent equipment.

In order to assure a fair and equitable apportionment of teaching salary funds to each institution of the Community College System, the funds appropriated to the State Board of Education, Department of Community Colleges, (Budget Code 18062) in this Act may be used by the State Board of Education to establish a State-wide salary schedule making available to each institution an average curriculum teacher salary for 12 months service of eight thousand nine hundred dollars ($8,900) in fiscal

year 1967-68 and of nine thousand six hundred dollars ($9,600) in fiscal year 1968-69, or so near such State-wide average salary each year as may be possible within the funds herein appropriated for operation of the institutions of the Community College System.

Sec. 11. The Director of the Budget shall require that the Highway Fund, other special funds employing personnel, and other operations employing personnel and which are designated by the resolution of the Governor and Advisory Budget Commission as self-supporting operations shall budget as a line item object of expenditure sufficient funds to pay their employer proportion of contributions to the Teachers' and State Employees' Retirement System as required by the Act creating said system.

No part of the appropriation made in Section 2 of this Act to the Teachers' and State Employees' Retirement System as "contributions" under Title XII-2 shall be used to supply the State's or employer's contribution for retirement system purposes or Social Security purposes with respect to the compensation of any State employee (1) whose compensation is paid out of receipts of any state institution or agency (other than gifts, including foundation funds), which receipts are deposited in institutional funds for the specific purpose of paying the compensation of such employee, or (2) who performs his duties for an operation or activity designated by the Director of the Budget as a self-supporting operation or activity, or (3) who performs his duties for an operation or activity not directly supported by an appropriation from the State General Fund. In those instances in which an employee's salary is paid in part from the General Fund or from gifts (including foundations) and in part from receipts of the State institution or agency (other than gifts, including foundation funds), which receipts are deposited in institutional funds for the specific purpose of paying part of the compensation of such State employee, the appropriation described above shall be used to pay a portion of the employer's contribution for retirement and social security equal to that proportion of the employee's total salary paid from the General Fund or from gifts (including foundations), and the remainder of the employer's contribution shall be paid from the same sources as supply the remainder of such employee's salary. It is the intent and purpose of this Act that, when retirement system or social security matching funds are required to be made on behalf of the State as an employer in the situations described above in this paragraph, such matching funds to the extent necessary shall be paid out of the funds of the institution or operation or activity described above in this paragraph. Any question as to the applicability of this paragraph shall be resolved by the Director of the Budget and the Advisory Budget Commission.

Sec. 12. Subject to rules and regulations promulgated by the Department of Administration and approved by the Director of the Budget any State department, institution, or agency of the State is hereby authorized to expend, from appropriations made in this Act, funds to pay the expenses of transporting the household goods and furniture of an employee and members of his household when such an employee is directed by the employing agency to transfer from one location to another.

Sec. 13. Subject to a recommendation of the Advisory Budget Commission, funds not to exceed one hundred thousand dollars ($100,000) for each year of the biennium 1967-69 may be allotted out of the Contingency and Emergency Appropriation for use by the State Department of Agriculture, North Carolina Experiment Station, and the U. S. Department of Agriculture, for a witch weed control program; and, subject to a recommendation by the Advisory Budget Commission, funds not to exceed fifty thousand dollars ($50,000) each year may be allotted out of the Contingency and Emergency Fund for use by the State Department of Agriculture for payment of hog cholera indemnities.

SALARIES AND WAGES

Sec. 14. The Director of the Budget is authorized and empowered to transfer from the appropriations for salary increases of State employees subject to the Personnel Act, such sums as may be required to increase salaries in effect on June 30, 1967 under the salary schedule established by the State Personnel Board. The Director of the Budget is further authorized to transfer any unexpended balance which may remain at the end of each fiscal year, after the provisions of this Section have been fully met, from the appropriations for Salary Increases of State Employees Subject to the Personnel Act, to the appropriations for Salary Adjustments of State Employees.

The appropriations for salary increases of State employees who are subject to the State Personnel Act shall be transferred by the Director of the Budget to departments, institutions and agencies in such amounts as may be required to increase salaries, commencing July 1, 1967, for all full-time, permanent employees in accordance with the following provisions: For granting a six per cent (6%) Legislative salary increase to each permanent full-time employee who is subject to the provisions of the State Personnel Act. This six per cent (6%) increase shall be based on each employee's monthly salary in effect on June 30, 1967, and may be rounded to conform to the steps in the salary ranges adopted by the State Personnel Board.

The provisions of this Section shall be applied to increase salaries paid out of special funds or from sources other than tax revenues; provided, the necessary funds are made available from operations or from sponsoring agents. The Director of the Budget is authorized and empowered to allocate out of special operating funds, under which personnel are employed, sufficient funds to conform with the provisions of this Section; provided, funds are available or made available by the sponsoring agents.

Salaries for positions which are paid from funds which are partially from the General Fund and partially from sources other than the General Fund shall be increased from the General Fund appropriation only to the extent of the proportionate part paid from the General Fund.

The salary increases for employees whose salaries are paid from receipts received from self-supporting activities shall be contingent upon availability of funds out of receipts, which shall be determined by the Director of the Budget.

The salary increases shall not affect the status of eligibility for automatic and/or merit salary increments for which the employee may be eligible for the fiscal years 1967-69 notwithstanding the granting of the Legislative salary increase.

The salary ranges for all employees under the Personnel Act shall be increased, so far as the maximum is concerned, by an amount equal to this Legislative salary increase to the end that, after the salary increase provided for in this Act is made, every employee will continue to have the same relative position with respect to salary increase and future increments as he would have had if the salary increases provided by this Act had not been made.

The salary increase provided in this Act shall not apply to persons separated from State service due to resignation, dismissal, reduction in force, death or retirement, whose last work day is prior to July 1, 1967.

Sec. 14.1. The salary of the Chief Justice of the Supreme Court shall be twenty-eight thousand dollars ($28,000) per annum, and the salaries of each of the Associate Justices of the Supreme Court shall be twenty-seven thousand dollars ($27,000) per annum; the salary of the Chief Judge of the Court of Appeals shall be twenty-five thousand dollars ($25,000) per annum, and the salaries of each of the Judges of said Court shall be twenty-four thousand dollars ($24,000) per annum; the salaries of the Judges of the Superior Court shall be twenty thousand dollars ($20,000) per annum; the salary of the Chief Judge of each District Court shall be fifteen thousand five hundred dollars ($15,500) per annum, and the salary of each District Court Judge shall be fifteen thousand dollars ($15,000) per annum. The salary of the Administrative Officer of the Courts shall be twenty-two thousand five hundred dollars ($22,500) per annum and the salary of the Assistant Administrative Officer of the Courts shall be sixteen thousand five hundred dollars ($16,500) per annum.

EFFECTIVE

Sec. 15. The provisions of the Executive Budget Act, Chapter 143, Article 2 of the General Statutes, are re-enacted and shall remain in full force and effect, and are incorporated in this Act by reference.

Sec. 16. If any Section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of the Act as a whole or any part other than the part so declared to be unconstitutional or invalid.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 20

CHAPTER 1108

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE INSTITUTIONS, DEPARTMENTS, AND AGENCIES.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known as "The Capital Improvement Appropriation Act of 1967".

Sec. 2. The funds appropriated by this Act are for the purposes of construction of buildings and utilities, renovation of buildings and utilities, acquiring sites therefor if necessary, acquiring and installing equipment at the institutions, departments and agencies of the State hereinafter mentioned and only as detailed in Volume III of the 1967-69 Budget.

Sec. 3. The funds appropriated by this Act to provide for Capital Improvements by Sections 4, 5, and 6 of this Act shall be disbursed for the purposes provided by this Act upon warrants drawn by the State Disbursing Officer, which warrants shall not be drawn for any State institution, department, or agency until a requisition has been approved by the Director of the Budget and which requisition shall be approved only after full compliance with the Executive Budget Act, Article 1, Chapter 143, of the General Statutes. Any officer of this State or executive head of any institution, or any director, trustee, or commissioner of any State institution, department, or agency to which an appropriation is made under the provisions of this Act who votes for or aids in spending more money for any improvement for his institution, department, or agency than is appropriated therefor may be removed from office by the Governor. Any additional monies which may be received by means of a grant or grants from the United States of America or any agency or department thereof, or from any other source to aid in financing the cost of any of the improvements herein referred to may be placed by the State Treasurer in the same fund or in a separate fund and, to the extent permitted by terms of such grant or grants, with the approval of the Governor and the Advisory Budget Commission, shall be disbursed in the same manner and for the same purposes mentioned in this Act, and only as detailed in Volume III of the 1967-69 Budget. Appropriations or authorizations for student housing are on the basis of three thousand four hundred dollars ($3,400.00) per student and shall not exceed this per student cost for the stated project including equipment and furnishings. Where funds are shown in this Act for the purpose of furnishing equipment for any project, such funds for equipment shall not be subject to transfer into construction accounts unless authorized by the Advisory Budget Commission. However, equipment funds may be expended under construction accounts to the specific amount required for fixed equipment attached or connected to the building for which it is intended. It is the intent of this Act that projects listed herein shall be completed including fixed and movable equipment and furnishings within the limit of funds appropriated or authorized herein.

Sec. 4. There is appropriated out of the General Fund the sum of one hundred twelve million three hundred fifty-six thousand seven hundred

eighty-eight dollars ($112,356,788.00) for the use of the State institutions, departments and agencies to provide for Capital Improvement projects according to the following schedule:

I. GENERAL GOVERNMENT

Department of Administration			$11,961,375
1. General Renovations, Buildings and Grounds		$ 451,375	
2. Extension of Steam Lines		200,000	
3. Revenue Building Addition — Supplement		900,000	
4. Food Freezer Storage, Governor's Mansion		8,000	
5. Exterior Lighting, Governor's Mansion		15,000	
6. Renovate Food Preparation and Service Areas, Governor's Mansion		50,000	
7. Renovate Old Library Building		425,000	
8. Remodel Computer Room, Revenue Building		25,000	
9. New State Office Building			
Building	$4,275,000		
Equipment	25,000	4,300,000	
10. Purchase of Land, Capitol Area		1,925,000	
11. Motor Pool Dispatching Facility		75,000	
12. Exterior Cleaning of Old Revenue Building		12,000	
13. Purchase of Land, Institutional		3,075,000	
14. Advance Planning for Institutional Facilities		500,000	

II. PUBLIC SAFETY AND REGULATION

North Carolina Armory Commission			$ 25,000
1. Storage Building, Raleigh		25,000	

III. CORRECTION

Juvenile Evaluation Center			437,000
1. Re-roofing Buildings		70,000	
2. Repair to Smoke Stacks		4,000	
3. Renovation of Electrical Distribution System and Street Lights		50,000	
4. Treatment Unit for 60 Students and 4 Staff Members			
Building	303,000		
Equipment	10,000	313,000	

Stonewall Jackson Training School			$ 663,500
1. Completion of Academic and Vocational School Building			
Building	$ 576,000		
Equipment	32,000	$ 608,000	
2. New Roofs to Replace Metal Roofs on 15 Cottages for Students		11,500	
3. Renovation of Electrical Distribution System and Additional Street Lights		40,000	
4. Two Metal Storage Bins		4,000	
State Home and Industrial School for Girls			615,800
1. One Cottage to House 40 Students and 4 Staff Members			
Building	235,000		
Equipment	12,000	247,000	
2. One Cottage to House 40 Students and 4 Staff Members			
Building	235,000		
Equipment	12,000	247,000	
3. Renovation of Water Treatment Plant		4,000	
4. Renovation of Sewage Disposal Plant		68,000	
5. Equipment Shed		15,000	
6. Storage House for Cured Meats		2,800	
7. Renovation of Superintendent's Residence		10,000	
8. Addition to Deep Freeze Room		22,000	
Morrison Training School			355,000
1. Completion of Water Lines and Fire Hydrants		15,000	
2. Renovation of Electrical Distribution System and Street Lights		25,000	
3. Tile Wall and Floor Repair of Toilets and Showers in Certain Buildings		45,000	
4. Addition to School Building			
Building	211,000		
Equipment	14,000	225,000	

5. Two Staff Cottages			
Buildings	$ 24,000		
Equipment	1,000	$ 25,000	
6. Slaughter House			
Building	16,000		
Equipment	4,000	20,000	
Eastern Carolina Training School			$ 144,500
1. Renovation of Toilet, Shower and Dressing Areas of Certain Cottages		30,000	
2. Rewiring of Fountain Cottage		7,500	
3. Renovation and Enlargement of Deep Freeze Rooms		31,000	
4. Renovation of Electrical Distribution System and Street Lights		45,000	
5. Extension of Walks and Drives		16,500	
6. Silo for Dairy Herd and Covered Feeder			
Building	4,500		
Silo	4,000	8,500	
7. Resilient Tile Floors for New Cottages		6,000	
State Training School for Girls			527,500
1. Addition to School Building			
Building	224,000		
Equipment	16,000	240,000	
2. All-Weather Surfaced Walks and Drives		14,500	
3. Completion of Street Lights		10,000	
4. One Cottage to House 50 Students and 6 Staff Members			
Building	245,000		
Equipment	18,000	263,000	
Leonard Training School			58,500
1. Waterproof Old Section of Building		17,000	
2. Deep Freeze Room		26,500	
3. Street Lights		15,000	
Prison Department			4,200,000
1. A 500-Man Institution—Western Part of State			
Building	4,000,000		
Equipment	200,000	4,200,000	

V. EDUCATION

Governor and Advisory Budget Commission			$5,000,000
1. Education Reserve Fund		$5,000,000	
University of North Carolina (Consolidated)			1,886,000
1. Education Television System—Phase 2		1,886,000	
University of North Carolina at Chapel Hill (Health Affairs)			1,696,000
1. Utilities and Site Improvements		665,000	
2. Air Condition Beard Hall		81,000	
3. Dental Education Wing Supplement		950,000	
4. Pharmacology-Toxicology (Supplement)			
Building	$3,325,000		
Fixed Equipment	800,000		
Movable Equipment	375,000		
	4,500,000		
Less 1965 N.I.H. Grants	3,200,000		
Less Additional N.I.H. Grants	1,300,000	-0-	
University of North Carolina at Chapel Hill (Academic Affairs)			9,114,400
1. Utilities and Site Improvements		1,000,000	
2. Renovate Murphey and Saunders Classroom Buildings			
Buildings	362,000		
Movable Equipment	20,000	382,000	
3. Renovate Manning Hall			
Building	310,000		
Movable Equipment	45,000	355,000	
4. Renovate Graham Memorial Building			
Building	270,000		
Movable Equipment	34,000	304,000	
5. Renovate Steel Building			
Building	250,000		
Movable Equipment	30,000	280,000	

6. Renovate Lenoir Dining Hall		
Renovations	$ 62,500	
Food Service Equipment	68,000	
Movable Equipment	145,500	
	276,000	
Less Self-Liquidating	276,000	-0-
7. Renovate Alexander, Connor and Winston Residence Halls		
Buildings	515,000	
Movable Equipment	35,000	
	550,000	
Less Self-Liquidating	550,000	-0-
8. Physical Education Facilities		$ 350,000
9. Addition to Dey Hall		
Building	210,000	
Equipment	20,000	230,000
10. Social Science Classroom and Faculty Office Building		
Building	3,220,000	
Equipment	200,000	
	3,420,000	
Less Federal Funds	1,140,000	2,280,000
11. Married Student Housing Units		
Buildings	4,610,000	
Equipment	75,000	
	4,685,000	
Less Self-Liquidating	4,685,000	-0-
12. Building for Business Administration		
Building	1,450,000	
Movable Equipment	150,000	
	1,600,000	
Less Federal Funds	533,300	1,066,700
13. Physical Science Building — Chemistry		
Building	3,900,000	
Movable Equipment	400,000	
	4,300,000	
Less Federal Funds	1,433,300	2,866,700

14. Atmospheric Studies Laboratory Building			
Building	$	310,000	
Equipment		90,000	
		400,000	
Less Federal Grant		400,000	-0-
North Carolina State University			$11,121,100
1. Building Repairs, Utilities and Improvements			$1,000,000
2. Polk Hall Renovation and Addition			
Building		885,000	
Equipment		300,000	
		1,185,000	
Less Federal Funds		395,000	790,000
3. Renovations in Riddick, Mann, Daniels, Broughton and Page Buildings		350,000	
Less Federal Funds		116,600	233,400
4. Leazer Hall Cafeteria Renovation and Addition to Food Service Facility		865,000	
Less Self-Liquidating		440,000	425,000
5. Demolition—Riddick Stadium East Stand			30,000
6. Dormitory Improvements		400,000	
Less Self-Liquidating		400,000	-0-
7. Renovate Physics Space in Daniels Hall			25,000
8. Physical Science Building Supplement			
Elevator		29,400	
Fixed Equipment		90,600	120,000
9. Renovate Space in Clark Laboratory			
Building		36,000	
Equipment		36,000	72,000
10. Closed Circuit TV—Nelson Hall			40,000
11. Equipment for Chemistry Department			325,000
12. Equipment for Engineering Department			1,000,000
13. Textured Yarn Equipment			
Installed Equipment		46,000	
Utilities		4,000	50,000

14. Equipment for Non-Conventional Fabric Structures		$ 200,000
15. Laboratory Garden, School of Design		25,000
16. Broughton Hall Addition		
Building	$ 390,000	
Equipment	215,000	
	605,000	
Less Federal Funds	201,600	403,400
17. Scott Hall Addition and Renovation		
Building	360,000	
Equipment	80,000	
	440,000	
Less Federal Funds	146,600	293,400
18. Continuing Education Center		
Building	4,985,000	
Equipment	550,000	
	5,535,000	
Less Gifts, Grants and Self-Liquidating	5,535,000	-0-
19. Library Addition and Expansion		
Building	3,225,000	
Equipment	500,000	
	3,725,000	
Less Federal Funds	1,241,600	2,483,400
20. School of Education Building		
Building	3,715,000	
Equipment	800,000	
	4,515,000	
Less Federal Funds	1,505,000	3,010,000
21. Research Laboratory Addition to Agricultural Engineering Building		
Building and Equipment		475,500
22. Central Stores Facility		
Building	275,000	
Equipment	15,000	
	290,000	
Less Other Funds	190,000	100,000

23. Housing for 800 Single Students			
Building	$2,600,000		
Equipment	120,000		
	2,720,000		
Less Self-Liquidating	2,720,000	-0-	
24. Married Student Apartments			
Buildings	2,140,000		
Equipment	60,000		
	2,200,000		
Less Self-Liquidating	2,200,000	-0-	
25. Fraternity Housing			
Buildings	800,000		
Equipment	100,000		
	900,000		
Less Self-Liquidating	900,000	-0-	
26. Smith Building Purchase, Mineral Research Laboratory, Asheville			
Building	35,000		
Less Self-Liquidating	15,000	$ 20,000	
University of North Carolina at Greensboro			$6,490,200
1. Renovation of Campus Utilities and Heating Plant Improvements		1,190,000	
2. Renovate Science Building for Physical Sciences			
Building	585,000		
Equipment	150,000		
	735,000		
Less Federal Funds	245,000	490,000	
3. Modernization of Heating System in Old Home Economics Building		110,000	
4. Pave Outdoor Physical Education Court		10,000	
5. Air Condition Dining Halls	300,000		
Less Self-Liquidating	300,000	-0-	

6. Addition to Library		
Building	$2,780,000	
Equipment	270,000	
	3,050,000	
Less Federal Funds	1,016,600	$2,033,400
7. School of Education Addition or Annex		
Building	480,000	
Equipment	50,000	
	530,000	
Less Federal Funds	176,600	353,400
8. Addition to Shop and Warehouse		
Building	35,000	
Equipment	5,000	40,000
9. Classroom Building or Buildings		
Buildings	1,535,000	
Equipment	150,000	
	1,685,000	
Less Federal Funds	561,600	1,123,400
10. Nursing Education Building		
Building	1,040,000	
Equipment	100,000	1,140,000
11. Commuting Students Parking Area	160,000	
Less Self-Liquidating	160,000	-0-
12. Dormitory or Dormitories for 1000 Students		
Building	3,250,000	
Equipment	150,000	
	3,400,000	
Less Self-Liquidating	3,400,000	-0-
University of North Carolina at Charlotte		$10,049,300
1. Renovation of Kennedy Building		
Building	50,000	
Equipment	75,000	
	125,000	
Less Federal Funds	41,600	83,400

2. Renovation of Liberal Arts Building		
Building	$ 25,000	
Equipment	8,000	
	33,000	
Less Federal Funds	11,000	$ 22,000
3. Language Laboratory	65,500	
Less Federal Funds	24,400	41,100
4. Addition to Library		
Building	3,565,000	
Equipment	350,000	
	3,915,000	
Less Federal Funds	1,305,000	2,610,000
5. Expansion of Utilities		805,000
6. Campus Lighting		50,000
7. Parking, Roads and Walks		
Roads and Walks	125,000	
Parking	125,000	
	250,000	
Less Self-Liquidating	125,000	125,000
8. Health and Physical Education Facility		
Building	3,320,000	
Equipment	300,000	
	3,620,000	
Less Federal Funds	915,600	2,704,400
9. Fine Arts Building		
Building	1,820,000	
Equipment	180,000	
	2,000,000	
Less Federal Funds	666,600	1,333,400
10. Dormitory for Approximately 1000 Students		
Building	3,250,000	
Equipment	150,000	
	3,400,000	
Less Self-Liquidating	1,700,000	1,700,000

11. Cafeteria			
Building	$ 780,000		
Equipment	220,000		
	1,000,000		
Less Self-Liquidating	500,000	$ 500,000	
12. Chancellor's Residence		75,000	
East Carolina College			$5,552,300
1. Alterations to Whichard Building			
Building	187,000		
Equipment	8,000		
	195,000		
Less Federal Funds	65,000	130,000	
2. Classroom Building for Nursing School—Supplement		45,000	
3. Alterations to Flannagan Classroom			
Building	615,000		
Equipment	315,000		
	930,000		
Less Federal Funds	310,000	620,000	
4. Renovation of Electrical Distribution System		325,000	
5. Additions and Alterations to Main Cafeteria			
Building	545,000		
Equipment	250,000		
	795,000		
Less Self-Liquidating	795,000	-0-	
6. Addition to Jones Dormitory Cafeteria			
Building	140,000		
Equipment	95,000		
	235,000		
Less Self-Liquidating	235,000	-0-	
7. Campus Drainage and Development		37,500	

8. Improvement of Campus Streets and Walks		$ 24,500
9. Science Building for Biology and Physics		
Building	$3,040,000	
Equipment	485,000	
	3,525,000	
Less HEFA Funds	700,000	
	2,825,000	
Less 1965 Funds	1,380,000	
	1,445,000	
Less Federal Funds	481,600	963,400
10. Classroom Building for Home Economics		
Building	1,070,000	
Equipment	60,000	
	1,130,000	
Less HEFA Funds	275,000	
	855,000	
Less 1965 Funds	550,000	
	305,000	
Less Federal Funds	76,600	228,400
11. Addition to Maintenance Shop		
Building	48,000	
Equipment	8,500	
	56,500	
Less 1963 Funds	28,000	28,500
12. General Classroom Building		
Building	3,000,000	
Equipment	300,000	
	3,300,000	
Less Federal Funds	1,100,000	2,200,000
13. Auxiliary Student Supply Store		
Building	123,000	
Equipment	40,000	
	163,000	
Less Self-Liquidating	163,000	-0-

14. Equipment for School of Music		$ 100,000	
15. Dormitories for 800 Students			
Building	$2,600,000		
Equipment	120,000		
	2,720,000		
Less Self-Liquidating	2,720,000	-0-	
16. 36 Married Student Apartments			
Buildings	435,000		
Equipment	18,000		
	453,000		
Less Self-Liquidating	453,000	-0-	
17. Elementary Education Laboratory School			
Building	1,020,000		
Equipment	115,000		
	1,135,000		
Less Local Funds	385,000	750,000	
18. Development Evaluation Clinic and Day Care Center			
Matching Funds		100,000	
Agricultural and Technical College			$1,150,000
1. Classroom Building			
Building	1,260,000		
Equipment	255,000		
	1,515,000		
Less Federal Funds	505,000	1,010,000	
2. Physical Plant Service and Warehouse Building			
Building	110,000		
Equipment	5,000	115,000	
3. Campus Improvement		25,000	
4. Dormitory for 200 Students			
Building	670,000		
Equipment	10,000		
	680,000		
Less Self-Liquidating	680,000	-0-	
5. Air Condition and Renovation of Cafeterias (Brown and Murphy)	271,000		
Less Self-Liquidating	271,000	-0-	

Western Carolina College			$2,233,000
1. Renovation of Hoey Auditorium		$ 50,000	
2. Rebuild Sub-Station and Replace Street Lights on Old Part of Campus		50,000	
3. Two 400-Student Dormitories			
Building	$2,600,000		
Equipment	120,000		
	2,720,000		
Less Self-Liquidating	2,720,000	-0-	
4. Fine Arts and Industrial Arts and Home Economics Building			
Building	2,142,000		
Equipment	300,000		
	2,442,000		
Less Federal Funds	814,000	1,628,000	
5. Physical Education Fields		65,000	
6. Expansion of Utilities		65,000	
7. Utilities (New Steam Boiler)		125,000	
8. Addition to Sewage Disposal Plant		250,000	
9. Addition to Laundry			
Building	35,000		
Equipment	40,000		
	75,000		
Less Self-Liquidating	75,000	-0-	
Appalachian State Teachers College			$2,700,000
1. Addition to Rankin Science Building			
Building	2,340,000		
Equipment	300,000		
	2,640,000		
Less Federal Funds	880,000	1,760,000	
2. Central Warehouse			
Building	99,000		
Equipment	5,000	104,000	
3. Tennis Courts		40,000	
4. Dormitories for 1200 Students			
Buildings	4,020,000		
Equipment	60,000		
	4,080,000		
Less Self-Liquidating	4,080,000	-0-	

5. Housing for Faculty and Married Students	$2,000,000		
Less Self-Liquidating	2,000,000	-0-	
6. Campus Development		$ 180,000	
7. Air Condition New Library		150,000	
8. Continuing Education Facility Matching Funds		100,000	
9. Coal Elevator for Steam Plant		50,000	
10. Upgrading Campus Electrical System		300,000	
11. Expansion of College Laundry			
Building	10,000		
Equipment	90,000		
	100,000		
Less Self-Liquidating	100,000	-0-	
12. Additional Foods Laboratory			
Building	6,000		
Equipment	10,000	16,000	
Pembroke State College			$ 556,400
1. Renovate Sampson Hall to Administrative Office		25,000	
2. Air Condition Moore and Locklear Halls			
Building	4,000		
Air Conditioning	96,000	100,000	
3. Addition to Student Center			
Building	185,000		
Equipment	25,000		
	210,000		
Less Self-Liquidating	210,000	-0-	
4. Five Oil-Fired Units		24,000	
5. Extension of Campus Lighting System		15,000	
6. Extension of 6" Water Line		3,000	
7. Classroom Building			
Building	465,000		
Equipment	50,000		
	515,000		
Less Federal Funds	171,600	343,400	
8. Environmental Room for Science Department			
Building	26,000		
Equipment	5,000	31,000	

9. Dormitories for 200 Students			
Building	$ 620,000		
Equipment	60,000		
	680,000		
Less Self-Liquidating	680,000	-0-	
10. Vehicle Garage		$ 15,000	
Winston-Salem State College			$ 750,600
1. Campus Lighting		25,000	
2. Roads, Walks and Parking Areas			
Roads and Walks	40,000		
Parking Areas	40,000		
	80,000		
Less Self-Liquidating	40,000	40,000	
3. Completion of Track and Recreation Area		70,000	
4. Band, Orchestra and Visual Aids Equipment			
Musical Instruments	17,000		
Audio-Visual Equipment	25,000	42,000	
5. Addition to Music and Arts Building			
Building	82,000		
Equipment	3,000		
	85,000		
Less Federal Funds	28,300	56,700	
6. Renovation of Administration Building		270,000	
7. Renovation of Bickett Hall			
Building	75,000		
Equipment	5,000		
	80,000		
Less 1963 Funds	30,000	50,000	
8. Completion of Science Building			
Building	140,000		
Equipment	60,000		
	200,000		
Less Federal Funds	66,600	133,400	
9. Steam Header		60,000	
10. Landscaping	20,000		
Less Gifts	16,500	3,500	

Elizabeth City State College			$ 280,400
1. Renovation of Moore Hall	$ 185,000		
Less Federal Funds	61,600	$ 123,400	
2. Storm Sewer Expansion		7,000	
3. Underground Wiring and Street Lighting		130,000	
4. Move Athletic Field		20,000	
Fayetteville State College			770,400
1. Renovation of Library	65,000		
Less Federal Funds	21,600	43,400	
2. Electrical Renovation of Joyner and Hood Hall		30,000	
3. Roads, Walks and Parking Areas			
Roads and Walks	40,000		
Parking Areas	20,000		
	60,000		
Less Self-Liquidating	20,000	40,000	
4. New Administration Building			
Building	440,000		
Equipment	35,000	475,000	
5. Maintenance Building		82,000	
6. Science Building Supplement		100,000	
North Carolina College at Durham			$ 339,000
1. Renovations to Administration Building			
Building	120,000		
Air Conditioning	159,000		
	279,000		
Less 1963 Funds	160,000	119,000	
2. Repairs to Men's Gymnasium		50,000	
3. Roads and Parking Areas		35,000	
4. Resurfacing Tennis Courts and Refinishing Track			
Courts	24,000		
Track	15,000	39,000	
5. Installation of Clock System		18,000	
6. Addition to Storage Building		35,000	
7. Addition to Maintenance Shop			
Building	38,000		
Equipment	5,000	43,000	

Asheville-Biltmore College			$2,060,100
1. Expansion of Student Center Dining Room			
Building	$ 45,000		
Equipment	25,000		
	70,000		
Less Self-Liquidating	70,000	-0-	
2. Addition to Science Building			
Building	415,000		
Planetarium	45,000		
Equipment	40,000		
	500,000		
Less Federal Funds	166,600	$ 333,400	
3. Addition to Physical Education Building			
Building	506,000		
Equipment	50,000		
	556,000		
Less Federal Funds	185,300	370,700	
4. Physical Education Playing Fields		100,000	
5. Electrical Distribution and Campus Lighting		100,000	
6. Sidewalks and Landscaping		11,000	
7. Dormitories for 300 Students			
Buildings	970,000		
Equipment	50,000	1,020,000	
8. Paving Streets and Parking Areas		95,000	
9. Addition to Plant Maintenance Building		30,000	
Wilmington College			$1,604,400
1. Dormitory for 200 Students			
Building	650,000		
Equipment	30,000		
	680,000		
Less Self-Liquidating	340,000	340,000	

2. Dormitory for 200 Students			
Building	$ 650,000		
Equipment	30,000		
	680,000		
Less Self-Liquidating	$ 340,000	$ 340,000	
3. Cafeteria			
Building	600,000		
Equipment	150,000		
	750,000		
Less Self-Liquidating	375,000	375,000	
4. Water and Sewer Connection		60,000	
5. Electrical Transmission Lines		25,000	
6. Education and Psychology Building			
Building	450,000		
Equipment	50,000		
	500,000		
Less Federal Funds	166,600	333,400	
7. Garage and Shop			
Building	28,000		
Equipment	3,000	31,000	
8. Roads and Parking Areas			
Roads	100,000		
Parking Areas	75,000		
	175,000		
Less Self-Liquidating	75,000	100,000	
State Board of Education			$1,367,813
Department of Community Colleges			
1. 14 existing Technical Institutes	1,911,650		
Less Federal Funds	664,997	1,246,653	
2. Catawba Valley Technical Institute		121,160	
Governor Morehead School			155,000
1. Remodel and Rewire Kindergarten Cottage — Pullen Park Division	49,500		
Less 1965 Funds	15,500	34,000	
2. Connection to City Sewage System—Garner Road Division		45,000	

3. Replace No. 3 Boiler — Garner Road Division	$ 32,000		
Less 1965 Funds	20,000	$ 12,000	
4. Rewire and Remodel Superintendent's Residence — Pullen Park Division		15,000	
5. Air Condition Superintendent's Offices—Pullen Park Division		10,000	
6. Addition to Grocery Storeroom, Pullen Park Division		10,000	
7. Widening Certain Streets and Providing Additional Parking Area—Pullen Park Division		6,000	
8. Service Roads — Pullen Park Division		7,000	
9. New Road from Western Boulevard to Kindergarten Cottage—Pullen Park Division		16,000	
Eastern North Carolina School for the Deaf			$1,725,000
1. Complex Unit			
Building	1,130,000		
Fixed Equipment	15,775		
Movable Equipment	84,225	1,230,000	
2. Multi-Purpose Building			
Building	84,000		
Movable Equipment	6,000	90,000	
3. Gymnasium and Swimming Pool			
Building	300,000		
Fixed Equipment	27,000		
Movable Equipment	3,000	330,000	
4. Storage Building		15,000	
5. Landscaping and Parking			
Landscaping	8,000		
Parking	7,000	15,000	
6. Heating Plant—Supplement		45,000	
North Carolina School for the Deaf			$1,532,500
1. Rework Outside Electrical Distribution System		100,000	
2. Additional Boiler			
Building	60,000		
Boiler Complete	100,000	160,000	

3. Comprehensive Clinic			
Building	$ 65,000		
Equipment	10,000		
	75,000		
Less Federal Funds	52,500	$ 22,500	
4. Complex Unit			
Building	1,120,000		
Equipment	130,000	1,250,000	
North Carolina School of the Arts			$1,275,000
1. Air Condition Two Existing			
Dormitories	95,000		
Less Self-Liquidating	95,000	-0-	
2. Common Facilities			
Building	640,000		
Equipment	120,000	760,000	
3. Offices and Bookstore			
Building	47,500		
Equipment	2,500	50,000	
4. Ten Lower-Division Student Housing Units			
Buildings	1,553,000		
Equipment	60,000		
	1,613,000		
Less Gifts	363,000		
Less Self-Liquidating	785,000	465,000	
5. Acquisition of Two Existing Leased Dormitories	330,000		
Less Self-Liquidating	330,000	-0-	
Department of Archives and History			$1,104,400
1. Renovation of State Records Center			
Building	60,000		
Equipment	15,000	75,000	
2. Archives Library Building Supplement		610,000	
3. Open Shelter over Confederate Gunboat Neuse, Lenoir County		75,000	

4. Historic Bath			
Visitor Center—Museum			
Building	$ 85,000		
Equipment	5,000	$ 90,000	
5. Davidson's Fort			
Visitor Center—Museum		32,000	
6. Historic Edenton			
Aid in Restoration of Cupola House, Iredell House and Barker House		36,000	
7. Residence—Ft. Fisher		12,000	
8. Historic Halifax			
Restoration of Buildings		40,000	
9. Historic Hope			
Repair and Restoration		20,000	
10. Governor Lenoir Home			
Restoration		14,400	
11. James K. Polk Birthplace			
Complete Museum, Restore Polk Birthplace and Construct Residence		41,000	
12. Somerset Place			
Restoration of Buildings and Grounds		59,000	
North Carolina Museum of Art			$ 60,000
1. Renovations and Repairs to Museum of Arts Building		60,000	

VII. NON-HIGHWAY TRANSPORTATION

State Ports Authority			$4,490,000
1. Dock Extension—Wilmington		1,500,000	
2. Transit Shed—Wilmington		575,000	
3. Warehouse—Wilmington			
Building	600,000		
Site Improvements	120,000	720,000	
4. Rehabilitate Warehouse No. 1, Wilmington		225,000	
5. Warehouse—Morehead City			
Building	600,000		
Site Improvements	120,000	720,000	
6. Two Gantry Cranes—Morehead City		600,000	
7. Small Boats Harbor—Southport			
Covered Boat Slips		150,000	

VIII. HEALTH AND HOSPITALS

Medical Care Commission			$2,100,000
1. Aid to Community Hospital Facilities		$1,500,000	
2. Aid to Community Mental Health Centers and Community Mental Retardation Facilities		600,000	
Dorothea Dix Hospital			1,977,000
1. Renovation of Lineberger Building		280,000	
2. Renovation of Hoey Building		285,000	
3. Renovation of Williams Building			
Building	$ 270,000		
Equipment	15,000	285,000	
4. Renovation of Ashby Building			
Building	235,000		
Equipment	15,000	250,000	
5. Renovation of Adams Building			
Building	215,000		
Equipment	25,000		
	240,000		
Less 1963 Funds	185,000	55,000	
6. Replacement of Certain Utility Lines		115,000	
7. Kitchen Air Handling System		10,000	
8. Rewiring Laundry Building		25,000	
9. Renovation of Chapel		75,000	
10. Additional Freezer Space in Cold Storage		16,500	
11. Bridge and Walkway			
Bridge	20,000		
Walkway	10,000	30,000	
12. Waterproof Exterior of Certain Buildings		30,000	
13. Heating Systems in 140 Personnel Residences		120,000	
14. Air Condition Auditorium, Haywood Building		35,000	
15. Soiled Linen Facility, Dobbin Infirmary		7,000	
16. Warehouse Addition		85,000	

17. Vocational Rehabilitation Building			
Building	$ 400,000		
Equipment	40,000		
	440,000		
Less Federal Funds	330,000	$ 110,000	
18. Paint and Exterminating Building			
Building	25,000		
Equipment	3,500	28,500	
19. Renovate Heating System, South Portion Male Wing		65,000	
20. Road and Parking Area Improvements		70,000	
Broughton Hospital			$1,938,000
1. Renovation of 13 Wards		725,000	
2. New Windows, Fireproof Ceiling, New Roof, Toilets and Storage—Ward 27		125,000	
3. New Windows and Dentention Screens for Certain Buildings		250,000	
4. New Heating, Air Conditioning and Lights in Certain Wards			
Heating and Air Conditioning	250,000		
Electrical Work	85,000	335,000	
5. Hot Water Circulating System and Pumps		35,000	
6. Improvement to Electrical System at Power Plant		35,000	
7. New Windows, Rewiring and Lights—Center Building		75,000	
8. Paving Roads, Walks and Parking Areas		110,000	
9. Conversion of Old Recreation Hall		60,000	
10. Rehabilitation Facility Building			
Building	552,000		
Equipment	60,000		
	612,000		
Less Federal Funds	459,000	153,000	
11. New Fire Truck		35,000	

Western Carolina Center			$1,633,000
1. Air Condition Three School Buildings and Administration Building		$ 75,000	
2. Air Condition Five "B" Buildings		165,000	
3. Addition to Infirmary			
Building	$ 137,000		
Equipment	13,000	150,000	
4. Annex to Administration Building			
Building	50,000		
Equipment	5,000	55,000	
5. Maintenance and Carpenter Shop Building			
Building	82,000		
Equipment	20,000	102,000	
6. Combination Warehouse and Employees Cafeteria			
Building	305,000		
Equipment	50,000	355,000	
7. School Building for Trainable and Non-Ambulatory Children			
Building	260,000		
Equipment	25,000	285,000	
8. Therapeutic Pool for Year-Round Use			
Building	158,000		
Equipment	10,000	168,000	
9. Dormitory Building			
Building	253,000		
Equipment	25,000	278,000	
Cherry Hospital			$2,532,000
1. Renovation of New and Blue Buildings	600,000		
Less Federal Funds	450,000	150,000	
2. Partitions Between Bathroom Fixtures in Patient Dormitories		20,000	
3. Renovation of Dormitory (E. P. Building)		680,000	

4. Renovation of Dormitory (Receiving Building)		$ 640,000	
5. Renovation of Chapel		110,000	
6. Air Condition McFarland Building		55,000	
7. Rewire and Install New Heating Systems in Seven Staff Houses		30,000	
8. Central Heating Units for 34 Employees' Cottages		40,000	
9. High Temperature Hot Water Distribution System		325,000	
10. Electrical Distribution System Improvement		100,000	
11. Curbs, Gutters, Sidewalks and Paving		45,000	
12. Staff Cafeteria			
Building	$ 212,000		
Equipment	40,000	252,000	
13. Intercom and Paging System		85,000	
O'Berry Center			$ 972,000
1. Air Condition Employees Cafeteria		20,000	
2. Sheltered and Paved Play Yards		25,000	
3. 80-Bed Infirmary Addition			
Building	265,000		
Equipment	50,000		
	315,000		
Less 1965 Funds	177,000	138,000	
4. Air Condition Two Dormitories		225,000	
5. Addition to Main Kitchen			
Building	52,000		
Equipment	10,000	62,000	
6. Enlarge Dormitory Reception Rooms		35,000	
7. Parking Areas		17,000	
8. Swimming Pool	100,000		
Less 1963 Funds	70,000	30,000	
9. Two Therapeutic Centers			
Buildings	382,000		
Equipment	38,000	420,000	

John Umstead Hospital			$2,378,000
1. Therapeutic Center, Chapel and Canteen			
Building	$ 900,000		
Equipment	50,000	$ 950,000	
2. Emergency Lighting, Medical Wards		15,000	
3. Renovate Building No. 27			
Building	540,000		
Equipment	35,000	575,000	
4. Renovate Building No. 24 for Student Nurses			
Building	350,000		
Equipment	18,000	368,000	
5. Air Condition Certain Areas		250,000	
6. Alterations to Warehouses		45,000	
7. Auto-Analyzer		20,000	
8. Purchase of Tractor		25,000	
9. Apartments for Psychiatric Residents			
Buildings	122,000		
Equipment	8,000	130,000	
Murdoch Center			$ 274,000
1. Outdoor Swimming Pool	100,000		
Less 1963 Funds	70,000	30,000	
2. Air Condition Employees Cafeteria		20,000	
3. Development of Playground Area		15,000	
4. Addition to Maintenance Shop		16,000	
5. Clinic Facility for Staff and Consulting Physicians			
Building	50,000		
Equipment	5,000	55,000	
6. Annex to Administration Building			
Building	126,000		
Equipment	12,000	138,000	
Caswell Center			$ 704,200
1. Heating Renovations — Idiot Colonies		160,000	
2. Renovation of Bath Area — Dawson Building		17,500	

3. Install Ceramic Tile in Austin Building		$ 40,000
4. Exterior Repairs to Austin and Old Kitchen Buildings		35,000
5. Individual Heating Systems for 11 Staff Houses		15,000
6. New Roof for Recreation Building		15,000
7. Addition to Vocational Rehabilitation Building		
Building	$ 465,000	
Equipment	100,000	
	565,000	
Less Federal Funds	350,300	214,700
8. Eight-Unit Milking Facility		
Building	14,000	
Equipment	8,000	22,000
9. Canopied Sidewalks		35,000
10. Cold Storage Plant		150,000
Western North Carolina Sanatorium		$ 107,500
1. Repairs and Alterations to Stair Towers		25,000
2. Replacing Sterilizing Equipment		22,500
3. Renovations to Kitchen and Dining Area		60,000

IX. NATURAL RESOURCES AND RECREATION

Department of Conservation and Development		$1,188,500
Division of Travel Information and Promotion:		
1. Two Tourist Welcome Centers		
Buildings	119,500	
Equipment	8,000	127,500
Division of Commercial and Sports Fisheries:		
2. Prestressed Concrete Dock		95,500
3. Gear Storage Shed		7,500
Division of Forestry:		
4. Fairfield District Headquarters Unit		
Building	38,000	
Equipment	5,000	43,000

5. Sylva Headquarters Unit		
Building	$ 37,000	
Equipment	5,000	$ 42,000
6. Addition to Buildings Whiteville Headquarters		
Building	72,000	
Equipment	3,000	75,000
7. Addition to Buildings Elizabeth City Headquarters		48,000
8. Moving 100′ Tower from Plymouth to Troy		7,500
9. 120′ Tower, Hoke County		
Tower and Land	19,000	
Equipment	1,000	20,000
10. Tower, Pender County		
Tower and Land	18,500	
Equipment	1,000	19,500
11. 72′ Tower, Rutherford-Polk County Line		
Tower and Land	16,500	
Equipment	1,000	17,500
12. 100′ Tower, Granville County		
Tower and Land	16,500	
Equipment	1,000	17,500
13. Moving 120′ Tower from Rosemead to Edenton		12,000
14. 120′ Tower, Camden County		
Tower and Land	18,000	
Equipment	1,000	19,000
15. Tower Residence, Haywood County		
Building	10,500	
Equipment	500	11,000
16. Tower Residence, Buncombe-Henderson County Line		
Building	16,000	
Equipment	1,000	17,000
17. Renovate Shipping Building Clayton Nursery		12,000

18. Radio Shop, Buncombe County			
Building	$ 9,500		
Equipment	1,500	$	11,000
19. Office Building, Elizabeth City			
Building	22,000		
Equipment	2,000		24,000
20. Headquarters Building, Workshop, Equipment Shelter, Hertford County			
Buildings	12,500		
Equipment	2,000		14,500
Division of State Parks:			
21. Maintenance and Service Area on Mainland, Hammocks Beach			42,300
22. Reception Area, Hammocks Beach			10,000
23. Replacement of Primary Water Supply System, Mount Mitchell State Park			7,500
24. Refreshment Stand, Jones Lake State Park			17,200
25. Garbage Disposal, Mount Mitchell State Park			12,000
26. Service Road to Public Camping and Garbage Disposal, Mount Mitchell State Park			75,000
27. Telephone Line, Mount Mitchell State Park			15,000
28. Restoration Work on Fort and Addition to Picnic Area, Fort Macon State Park			50,000
29. Pave Roads and Parking Area, Reedy Creek State Park			25,000
30. Paving Road and Parking Area, Mount Jefferson State Park			
Roads and Parking Area	45,000		
Landscaping	15,000		60,000
31. Completion of Overlook Facilities, Cliffs of Neuse State Park			10,000
32. Addition to Picnic Area, William B. Umstead State Park			28,000
33. Group Camp Addition, Reedy Creek State Park			10,000
34. Addition to Camping Area and Paving Camping Loop Roads, Morrow Mountain State Park			111,500

35. Family Camping Area, Cliffs of Neuse State Park	$ 65,000	
36. Kron Homesite Fencing, Morrow Mountain State Park	9,000	
Kerr Reservoir Development Commission		$ 143,500
1. Central Wash-House, Satterwhite Point	16,000	
2. 30 Tent Campsites, Satterwhite Point	13,000	
3. Toilet Building, Marina, Satterwhite Point	6,000	
4. Two Toilet Buildings, Camping Area, Satterwhite Point	12,000	
5. Public Boat Dock, Satterwhite Point	6,000	
6. Toilet Building, Bullocksville Park	6,000	
7. 35 Tent Campsites, Bullocksville Park	12,000	
8. Central Wash-House, Bullocksville Park	16,000	
9. Ranger Residence, Nutbush Bridge	8,500	
10. 40 Tent Campsites, Nutbush Bridge	15,000	
11. Two Toilet Buildings, Nutbush Bridge	12,000	
12. Concrete Launching Ramp, Nutbush Bridge	3,000	
13. Toilet Building, County Line	6,000	
14. Toilet Building, Kimball Point	6,000	
15. Toilet Building, Flemington Road Marina	6,000	
Department of Water Resources		$ 736,600
1. Wilmington, Kure Beach Erosion Control	420,000	
2. Ocracoke Island Beach Erosion Control	134,200	
3. Manteo Harbor Navigation Project	17,600	
4. Broad Creek Flood Control Project	18,400	
5. MacRay Creek Flood Control Project	20,000	
6. Pungo Creek Flood Control Project	64,800	

7. Scuppernong Flood Control Project		$ 47,200
8. Buck Creek Flood Control Project		14,400

X. AGRICULTURE

Department of Agriculture		$ 410,000
Research Stations:		
1. Renovation of Experimental Barn Piedmont Research Station		
Building	$ 8,140	
Fixed Equipment	2,860	11,000
2. Remodeling of Dairy Barn, Coastal Plain Research Station		
Building	3,550	
Fixed Equipment	1,450	5,000
3. Paving Beef Cattle Area, Tidewater Research Station		7,500
4. Silo and Feed Distribution System Upper Mountain Research Station		
Silo	2,700	
Feed Bunker	700	
Fixed Equipment	4,100	7,500
5. Irrigation System Piedmont Research Station		
Ponds	12,000	
Fixed Equipment	5,600	
Portable Equipment	12,400	30,000
6. Irrigation System Peanut Belt Research Station		
Water Supply and Pumps	9,000	
Fixed Equipment	6,800	
Portable Equipment	4,200	20,000
7. Office and Utility Building Upper Coastal Plain Research Station		
Building	25,500	
Equipment	2,500	28,000

8. Peanut Drying Station		
Peanut Belt Research Station		
Building	$ 8,500	
Fixed Equipment	7,500	$ 16,000
9. Two Laborer's Dwellings		
Upper Coastal Plain Research Station		25,000
10. Silos and Concrete Slab Feeding Area, Piedmont Research Station		
Slab	3,100	
Silos	4,800	
Fixed Equipment	2,600	10,500
11. Sheep Barn, Upper Mountain Research Station		8,700
12. Dwelling for Assistant Herdsman, Upper Mountain Research Station		12,500
13. Four Dairy Silos		
Piedmont Research Station		
Silos	8,000	
Fixed Equipment	3,200	11,200
14. Fertilizer and Pesticide Storage Building, Upper Coastal Plain Research Station		9,500
15. Foreman's Dwelling, Peanut Belt Research Station		15,500
16. Laborer's Dwelling, Mountain Research Station		12,500
17. Two Laborer's Dwellings, Piedmont Research Station		25,000
18. Beef Cattle Feeding Facility, Upper Coastal Plain Research Station		
Building	8,500	
Equipment	1,600	10,100
19. Milking Facility, Coastal Plain Research Station		
Building	10,500	
Fixed Equipment	6,000	16,500
20. Deep Well Water System, Upper Mountain Research Station		
Deep Well	2,000	
Fixed Equipment	1,000	3,000

State Fair:			
21. Remodeling of Two Exhibit Halls, State Fair Grounds	$ 570,000		
Less Self-Liquidating	570,000	-0-	
22. Electrical Modifications State Fair Grounds		$ 100,000	
Western North Carolina Agricultural Center:			
23. Youth Center		25,000	
Agricultural Experiment Station North Carolina State University			$1,211,000
1. Outlying Research Stations			
Central Crops Station	12,500		
Sandhills Station	18,000		
Horticultural Crops Station	25,500		
Mountain Horticultural Crops Station	55,000		
Upper Piedmont Station	40,000	151,000	
2. Greenhouses, Kent Road Site Buildings and Equipment		419,550	
3. Animal Research Center Building and Equipment		502,950	
4. Relocate Swine Facilities			
Buildings	130,000		
Equipment	7,500	137,500	
Total—GENERAL FUND			$112,356,788

Sec. 5. There is appropriated out of the Highway Fund the sum of four million three hundred forty-four thousand six hundred dollars ($4,344,600.00) for the use of the Department of Motor Vehicles and State Highway Commission to provide for Capital Improvement projects according to the following schedule:

II. PUBLIC SAFETY AND REGULATION

Department of Motor Vehicles			$ 670,800
1. Office Building, Reidsville			
Buildings Complete	$ 80,000		
Land	5,000	$ 85,000	
2. Office Building, Rockingham			
Buildings Complete	80,000		
Land	5,000	85,000	
3. Building for Radio Maintenance, Salisbury		15,500	

4. Building for Radio Maintenance, Asheville		$ 15,500
5. Purchase Fourth Floor Motor Vehicles Building from Wildlife Commission		200,000
6. Office Building, Conover		
Buildings Complete	$ 80,000	
Land	5,000	
	85,000	
Less 1963 Funds	28,900	56,100
7. Office Building, Bryson City		
Buildings Complete	80,000	
Land	5,000	
	85,000	
Less 1963 Funds	52,400	32,600
8. Office Building, Waynesville		
Building Complete	80,000	
Land	5,000	
	85,000	
Less 1963 Funds	52,400	32,600
9. Troop "C" Headquarters Building, Raleigh		
Building Complete	280,000	
Land	10,000	
Equipment	25,000	
	315,000	
Less 1965 Funds	265,000	50,000
10. Office Building, Jacksonville		
Building Complete	80,000	
Land	5,000	
	85,000	
Less 1965 Funds	63,500	21,500
11. Office Building, Morganton		
Building Complete	80,000	
Land	5,000	
	85,000	
Less 1965 Funds	63,500	21,500

12. Office Building, Whiteville			
Building Complete	$ 80,000		
Land	5,000		
	85,000		
Less 1965 Funds	63,500	$ 21,500	
13. Office Building, Roanoke Rapids			
Building Complete	80,000		
Land	5,000		
	85,000		
Less 1965 Funds	63,500	21,500	
14. Office Building, Clinton			
Building Complete	47,500		
Land	5,000		
	52,500		
Less 1965 Funds	40,000	12,500	

VI. HIGHWAYS

State Highway Commission		$3,673,800
1. Replace Air Conditioning Unit Highway Building	31,000	
2. Purchase of Land in Beaufort, Ashe, Wayne, Alleghany, Macon and Edgecombe Counties from Prison Department	61,000	
3. Maintenance Facilities, Rockingham	57,500	
4. District Office Building, Greenville	42,500	
5. Maintenance Building and Fencing, Burke County	23,000	
6. Metal Storage Shed, Rosman	12,500	
7. Storage Shed, Elkin	14,500	
8. Service Station, Fayetteville	7,000	
9. Truck Shed and Storage Building, Kenansville	12,000	
10. Storage Building, Boone	16,000	
11. Maintenance Headquarters and Storage Building, Sparta	11,050	
12. Metal Storage Building, Warrensville	14,500	
13. Headquarters Building, Kinston	30,000	
14. Blacksmith Shop and Storage Building, Fayetteville	22,000	

15. Landscape Warehouse, Carthage	$ 12,000
16. District and Resident Engineers Office Building, Rowan County	70,000
17. Office and Assembly Building, Albemarle	30,000
18. District Engineer's Office, Statesville	60,000
19. Office, Assembly and Storage Building, Morganton	22,000
20. Office and Storage Building, Columbus	12,000
21. District Shop, Warehouse and Fence, Elizabeth City	84,000
22. Traffic Signal and Traffic Survey Equipment Maintenance Shop, Wake County	74,000
23. Modification of Existing Highway Building, Raleigh	100,000
24. Truck Shed, Storage and Assembly Room, Swanquarter	32,000
25. Headquarters Building, Greenville	25,000
26. Filling Station, Wilmington	11,500
27. Blacksmith Shop, Sign Shop and Storage, Wilson	22,000
28. District and Resident Engineer's Office, Method	80,000
29. Office and Assembly Building, Mount Pleasant	30,000
30. Division Sign Shop and Equipment Storage Building, Shelby	55,000
31. Division Office Building Addition, Asheville	100,000
32. Division Office Building Addition, Sylva	60,000
33. District Shop and Warehouse and Fencing, Rockingham	84,000
34. Truck Shed, Storage and Assembly Room, Bertie County	35,000
35. Headquarters Building, Greene County	25,000
36. Division Office Building Addition, Wilmington	45,000
37. Maintenance and Storage Building, Wilson	28,000
38. Traffic Services Woodwork Shop, Durham	21,000
39. Storage Building, Sign Department, Winston-Salem	18,000

40. Resident Engineer's Office, Charlotte	$ 45,000
41. Equipment Shed, Newton	15,000
42. Storage Building, Hendersonville	30,000
43. District Shop and Warehouse and Fencing, North Wilkesboro	84,000
44. Personnel Assembly Building, Currituck County	12,000
45. Servicing Equipment Building, Currituck County	20,000
46. District Engineer's Office, Lumberton	52,000
47. Purchase of Land from Prison Department, Moore County	2,750
48. Resident Engineer's Office, Mount Pleasant	30,000
49. Purchase of Land, Robbinsville	1,500
50. Sub Shop and Fencing, Hudson	41,000
51. Landscape Storage Building and Personnel Assembly Room, Hertford County	24,000
52. Landscape Storage Facility, Durham	35,000
53. Landscape Storage Warehouse, Huntersville	14,000
54. Truck Shed and Storage Building, Caldwell County	46,000
55. Division Office Building, Ahoskie	165,000
56. Division Office Building, Division Five	165,000
57. Office Building, Burgaw	12,000
58. Storage Building, Burgaw	10,000
59. Truck Shed, Burgaw	10,000
60. Lumber Shed, Burgaw	10,000
61. Greasing and Washing Facility, Wilmington	24,000
62. Greasing and Washing Facility, Wilson	24,000
63. Service Station, Graham	24,000
64. Greasing and Washing Facility, Avery County	20,000
65. Office Building, Elizabeth City	12,000
66. Greasing and Washing Facility, Fayetteville	24,000
67. Service Station, Yanceyville	24,000
68. Purchase of Land, Hoke County	15,000
69. Maintenance Building, Hoke County	30,000

70. Greasing and Washing Facility, Spencer	$ 20,000
71. Greasing and Washing Facility, Caldwell County	20,000
72. Storage Building, Elizabeth City	12,000
73. Truck Shed, Elizabeth City	10,000
74. Lumber Shed, Elizabeth City	10,000
75. Chain Link Fence, Elizabeth City	4,500
76. Greasing and Washing Facility, Lumberton	20,000
77. Service Station, Hillsborough	24,000
78. Service Station, Hoke County	7,000
79. Warehouse, Hoke County	14,000
80. Greasing and Washing Facility, Watauga County	20,000
81. Greasing and Washing Facility, Morganton	24,000
82. Office Building, Asheville	14,000
83. Storage Building, Asheville	14,000
84. Truck Shed, Asheville	10,000
85. Lumber Shed, Asheville	10,000
86. Fencing and Grading, Asheville	12,500
87. Equipment Service Building, Washington	24,000
88. Greasing and Washing Facility, Kenansville	22,000
89. Greasing and Washing Facility, Nash County	24,000
90. Four Greasing and Washing Facilities at Oxford, Bunn, Roxboro and Warrenton	116,000
91. Service Station, Sandy Ridge	24,000
92. Greasing and Washing Facility, Carthage	20,000
93. Truck Shed and Storage Building, Avery County	46,000
94. Greasing and Washing Facility, Spruce Pine	24,000
95. Greasing and Washing Facility, Hazelwood	20,000
96. Equipment Service Building, New Bern	24,000
97. Greasing and Washing Facility, Clinton	22,000
98. Greasing and Washing Facility, Edgecombe County	24,000
99. Service Station, Camp Burton	24,000

100. Greasing and Washing Facility, Sanford	$ 18,000	
101. Greasing and Washing Facility, Marion	20,000	
102. Greasing and Washing Facility, Brevard	20,000	
103. Chain Link Fence, Burgaw	4,500	
104. Greasing and Washing Facility, White Lake	20,000	
105. Seven Weighing Stations in Wake, Orange, Mecklenburg, Robeson, Iredell, Rowan and Forsyth Counties	420,000	

Sec. 6. There is appropriated out of the Wildlife Resources Fund the sum of nine hundred one thousand one hundred twenty-seven dollars ($901,127.00) to provide for Capital Improvement projects according to the following schedule:

IX. NATURAL RESOURCES AND RECREATION

Wildlife Resources Commission		$ 901,127
1. Purchase of Land, Caswell Land Use Area	89,127	
2. Additional Facilities, Armstrong Creek Hatchery	50,000	
3. Purchase of Boating and Fishing Access Areas	30,000	
4. Office Building, Wake County	545,000	
5. Residence, Sandhills Nursery	19,000	
6. Reeves Ferry Access Area	12,000	
7. Tillery Lake Access Area	12,000	
8. Yadkin River Access Area	17,000	
9. Cannon's Ferry Access Area	19,000	
10. Equipment Shed, Caswell Area	4,000	
11. Equipment Shed, Mattamuskeet	4,000	
12. Roanoke River Access Area	19,000	
13. Lennon's Bridge Access Area (Motorboat Section)	15,000	
14. Lumber River Access Area (Motorboat Section)	16,000	
15. Office Building Supplement (Motorboat Section)	50,000	

Sec. 7. The Director of the Budget is authorized and empowered to make transfers and changes from completed projects for which appropriations are made in this Act, within the appropriations made to each separately named department, agency, or institution, to provide changes as necessary to permit completion of the projects as described in this ap-

propriation and only as detailed in Volume III of the Budget. The Director of the Budget is further authorized to transfer, between the three institutions, the appropriations provided in this Act for the North Carolina School for the Deaf, the Eastern North Carolina School for the Deaf, and Governor Morehead School, when in his opinion, it shall be deemed to be in the best interest of the State.

Sec. 8. The Governor and the Advisory Budget Commission are authorized and empowered to delete any Capital Improvement project or projects as provided in this bill and substitute therefor any other Capital Improvement project or projects which on the request of the department, agency or institution, and in the opinion of the Governor and the Advisory Budget Commission shall be deemed to be in the best interest of the State. Such substituted projects shall take precedence over projects enumerated in this bill within the limit of funds provided to the requesting department, agency, or institution in this appropriation.

Sec. 9. The Advisory Budget Commission may, when in its opinion it is in the best interest of the State to do so and upon the request of the department, institution, or agency, authorize the increase or decrease in size and scope of any project or projects enumerated in this bill within the funds provided to that department, agency or institution in this appropriation.

Sec. 10. There is provided in Section 4 of this Act the sum of five million dollars ($5,000,000) identified as "Education Reserve Fund." This Education Reserve Fund shall be used at the discretion of the Governor and Advisory Budget Commission upon request of institutions of higher learning for the purpose of providing funds for completion of projects listed in this Act; provided, such funds will be available only where application for grants have been denied, and only to the extent of funds indicated in this Act. This Education Reserve Fund shall not be used to enlarge projects listed in this Act or to create new projects.

Sec. 11. There is hereby created the Capital Improvement Advance Planning Fund, into which shall be received an appropriation of five hundred thousand dollars ($500,000.00) for advance planning in Section 4 of this Act and all repayments from authorized Capital Improvement projects of such amounts which have been or may be advanced from the General Fund to provide for advance planning of such projects. The fund shall be used to provide for advance planning of those proposed projects which, upon application of State agencies, are found acceptable by the Governor and the Advisory Budget Commission. All amounts provided from the fund for advance planning shall be repaid to the fund at such time as construction funds become available. Management of the fund, including disbursements, receipt and deposit or repayments and other related transactions shall be by the Department of Administration.

Sec. 12. There appear in Section 4 of this Act funds for certain renovation projects from which funds for air conditioning have been deleted. Such renovation projects shall include transmission ducts and other concealed materials and equipment for future addition of cooling equipment at minimal cost and without necessity for further renovation of finished areas. Where such conditions cannot be met, the renovation project concerned

shall not be carried out, and the funds appropriated in this Act for such project shall not be used for other purposes.

Sec. 13. Subject to any transfers and changes between appropriations as permitted in Sections 7, 8, and 9 of this Act, the appropriations for Capital Improvements made in this Act shall be expended only for specific projects set out in this Act. Construction of all Capital Improvement projects enumerated in this Act shall be commenced on or before December 31, 1968; if construction on such project or projects has not been commenced on or before December 31, 1968, then the appropriation for such project or projects shall revert to the original source and no transfer to other projects shall be allowed, provided; that subject to the approval of the Governor and the Advisory Budget Commission this deadline may be extended when such action is justified by a real emergency.

Sec. 14. Any unencumbered balances remaining in various Capital Improvement funds of 1959, 1961, 1963, 1965 appropriated for construction and equipment shall revert to the original source on December 31, 1968, and no transfer to other projects may be allowed, provided; that subject to the approval of the Advisory Budget Commission this deadline may be extended when in the opinion of the Governor and the Advisory Budget Commission such action is justified by a real emergency.

Sec. 15. The several departments, institutions, and agencies of the State are fully authorized and empowered to make application or applications to any agency or agencies of the United States of America for grant-in-aid for the construction of the several projects mentioned in this Act and within the scope and intent of the projects enumerated in this Act and to expend the same in accordance with the terms of such grants and in conformity with the laws of this State.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall be in full force and effect July 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 69 CHAPTER 1109

AN ACT TO DIVIDE NORTH CAROLINA INTO CONGRESSIONAL DISTRICTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-201 is hereby rewritten to read as follows:

"§ 163-201. Congressional Districts Specified. For the purpose of nominating and electing members of the House of Representatives of the United States Congress in 1968, and every two years thereafter, there are established 11 Congressional Districts, from each of which one representative shall be elected, composed of the following counties:

District 1: Beaufort, Bertie, Camden, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, Jones, Lenoir, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

District 2: Edgecombe, Franklin, Granville, Greene, Halifax, Nash, Northampton, Person, Vance, Warren, Wilson.

District 3: Carteret, Duplin, Harnett, Johnston, Onslow, Pender, Sampson, Wayne.

District 4: Chatham, Durham, Orange, Randolph, Wake.

District 5: Alleghany, Ashe, Davidson, Davie, Forsyth, Stokes, Surry, Yadkin.

District 6: Alamance, Caswell, Guilford, Rockingham.

District 7: Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Robeson.

District 8: Anson, Cabarrus, Lee, Montgomery, Moore, Richmond, Rowan, Scotland, Stanly, Union.

District 9: Iredell, Lincoln, Mecklenburg, Wilkes.

District 10: Alexander, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Watauga.

District 11: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey."

Sec. 2. G. S. 163-103, as amended by Chapter 7, Extra Session Laws of 1966, shall remain in full force until January, 1969, for the sole purpose of governing the filling of any vacancy occurring in the term of office which ends in January, 1969.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 183 CHAPTER 1110

AN ACT TO MAKE TECHNICAL REVISIONS TO CHAPTERS 105, 119, 18 AND 53A OF THE GENERAL STATUTES PERTAINING TO THE REVENUE LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Inheritance Tax Article of the Revenue Act, being Article 1 of Chapter 105 of the General Statutes, is hereby amended by:

(a) Rewriting and subdividing the first paragraph of subdivision (5) of G. S. 105-2 to read as follows:

"(5) (a) For purposes of this Article, the term 'general power of appointment' means a power which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate; except that:

1. A power to consume, invade or appropriate property for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support or maintenance of the decedent shall not be deemed a general power of appointment.

2. A power of appointment which is exercisable by the decedent only in conjunction with another person:

a. If the power is not exercisable by the decedent except in conjunction with the creator of the power, such power shall not be deemed a general power of appointment.

b. If the power is not exercisable by the decedent except in conjunction with a person having a substantial interest in the property, subject to the power, which is adverse to exercise of the power in favor of the decedent, such power shall not be deemed a general power of appointment. For the purposes of this clause a person who, after the death of the decedent, may be possessed of a power of appointment (with respect to the property subject to the decedent's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the decedent's power.

c. If (after the application of clauses a. and b.) the power is a general power of appointment and is exercisable in favor of such other person, such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the decedent) in favor of whom such power is exercisable.

d. For purposes of clauses b. and c., a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

"(b) Whenever any person shall have a general power of appointment with respect to any interest in property, such persons shall, for the purposes of this Article, be deemed the owner of such interest and accordingly:"; and by deleting the designations "a.", "b." and "c." from lines 11, 16, 23, respectively, of subdivisions (5) of G. S. 105-2 and substituting therefor the numerals "1.", "2." and "3.".

(b) Section 105-19 of the General Statutes of North Carolina is hereby amended by striking out the words "the legacy or devise" immediately following the word "if" and immediately preceding the word "subject" in line 1 thereof and by substituting in lieu thereof the following words: "any transfer,"; and further by striking out the word "given" immediately after the word "be" and immediately before the word "to" in line 1 thereof and substituting in lieu thereof the word "made".

Sec. 2. The Franchise Tax Article of the Revenue Act, being Article 3 of Subchapter I of Chapter 105 of the North Carolina General Statutes is hereby amended by:

(a) Rewriting subsection (a) of G. S. 105-122 to read as follows: "(a) Every corporation, domestic and foreign, incorporated, or, by an Act, domesticated under the laws of this State or doing business in this State, except as otherwise provided in this Article or schedule, shall, on or before the fifteenth day of the third month following the end of its income year, annually, make and deliver to the Commissioner of Revenue in such form as he may prescribe a full, accurate and complete report and statement signed by either its president, vice president, treasurer, assistant treasurer, secretary or assistant secretary, containing such facts and information as may be required by the Commissioner of Revenue as shown by the books and records of the corporation at the close of such income year.

"There shall be annexed to the return required by this subsection the affirmation of the officer signing the return in the following form: 'Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this return, including any accompanying schedules and

statements, is true and complete. If prepared by a person other than taxpayer, his affirmation is based on all information of which he has any knowledge.' "

(b) Deleting the first five lines of subsection (c) of G. S. 105-122 and rewriting subdivision (c)(1) of that Section to read as follows:

"(c)(1) After ascertaining and determining the amount of its capital stock, surplus and undivided profits, as provided herein, every such corporation permitted to allocate and apportion its net income for income tax purposes under the provisions of Article 4 of this chapter shall apportion said capital stock, surplus and undivided profits to this State through use of the fraction computed for apportionment of its business income under said Article.

"Provided, that although a corporation is authorized by the Tax Review Board to apportion its business income by use of an alternative formula or method, the corporation may not use such alternative formula or method for apportioning its capital stock, surplus and undivided profits unless specifically authorized to do so by order of the Tax Review Board.

"Provided, further, that a corporation which is required to pay an income tax to this State on its entire net income shall apportion its entire capital stock, surplus and undivided profits to this State."; deleting subdivision (2) of subsection (c) of G. S. 105-122 and by redesignating subdivisions (3) and (4) of that subsection as subdivisions "(2)" and "(3)" respectively.

(c) Rewriting G. S. 105-123 as the same appears after having been amended by Chapter 286 of the Session Laws of 1967 to read as follows:

"§ 105-123. New Corporations. (a) No corporation shall be permitted to do business in this State without paying the franchise tax levied in this Article. When a corporation is incorporated, domesticated or commences business in this State, it shall on or before the sixtieth day following the date of its incorporation, domestication or commencement of business in this State make and deliver to the Commissioner of Revenue in such form as he may prescribe a full, accurate and complete return and statement signed by either its president, vice president, treasurer, assistant treasurer, secretary or assistant secretary containing such facts and information as may be required by the Commissioner of Revenue in the administration of the tax levied under this Article. There shall be annexed to the return the affirmation of the officer signing the same, which shall be in the form prescribed in G. S. 105-122.

"Every corporation subject to the provisions of this Section shall pay a franchise tax of ten dollars ($10.00) which shall be due at the time the return is due and which shall be for the period from date of incorporation, domestication or commencement of business in this State through the last day of the then current income year. In no case shall such period exceed 53 weeks.

"(b) Any corporation failing to file the return or pay the tax provided for in subsection (a) of this Section within the time specified shall be subject to all penalties and remedies as by law prescribed."

(d) Deleting from line 2 of G. S. 105-125 the following references: "§§ 105-122 and 105-123", and inserting in lieu thereof the words "this

Article"; and by inserting after the word "to" and preceding the word "religious" in line 2 of G. S. 105-125 the word and punctuation "charitable,".

(e) Deleting from line 9 of the second paragraph of subsection (b) of G. S. 105-122 the reference "§ 105-143" and by substituting in lieu thereof the reference "§ 105-130.6".

Sec. 3. The Income Tax Article of the Revenue Act, being Article 4 of Subchapter I of Chapter 105 of the General Statutes is hereby amended by:

(a) Adding at the beginning of said Article a new division to be designated as "DIVISION I. CORPORATION INCOME TAX", to be composed of General Statute Sections 105-130 through 105-130.21;

(b) Rewriting G. S. 105-130 to read as follows:

"§ 105-130. Short Title. This division of the income tax Article shall be known and may be cited as the Corporation Income Tax Act.

(c) Adding new Sections to be designated 105-130.1 through 105-130.21 and to read as follows:

"§ 105-130.1. Purpose. The general purpose of this division is to impose a tax for the use of the State government upon the net income of every domestic corporation and of every foreign corporation doing business in this State.

"The tax imposed upon the net income of corporations in this division is in addition to all other taxes imposed under this subchapter.

"§ 105-130.2. Definitions. For the purpose of this division, and unless otherwise required by the context:

(1) The word 'taxpayer' includes any corporation subject to the tax imposed by this division.

(2) The word 'corporation' includes joint-stock companies or associations and insurance companies.

(3) The words 'domestic corporation' mean any corporation organized under the laws of this State.

(4) The words 'foreign corporation' mean any corporation other than a domestic corporation.

(5) The words 'income year' or 'taxable year' mean the calendar year or the fiscal year upon the basis of which the net income is computed under this division; provided, that if no fiscal year has been established, they mean the calendar year, except that in the case of a return made for a fractional part of a year under the provisions of this division or under rules or regulations prescribed by the Commissioner of Revenue, the words 'income year' or 'taxable year' mean the period for which such return is made.

(6) The words 'fiscal year' mean an income year, ending on the last day of any month other than December. A corporation which pursuant to the provisions of the Federal Internal Revenue Code of 1954 has elected to compute its income tax liability to the United States on the basis of an annual period varying from 52 to 53 weeks shall compute its taxable income for the purposes of this division on the basis of the same period used by such corporation in accordance with the Federal Internal Revenue Code of 1954 in computing its tax liability to the United States for such income year.

"§ 105-130.3. Corporations. Every corporation doing business in this State shall pay annually an income tax equivalent to six per cent (6%) of its net income or the portion thereof allocated and apportioned to this State. The net income or net loss of such corporation shall be the same as 'taxable income' as defined in the Internal Revenue Code in effect on the effective date of this division, subject to the adjustments provided in G. S. 105-130.5.

"If the entire business of the corporation is done within this State or if the corporation is not taxable in another state within the meaning of subdivision (2) of G. S. 105-130.4, the tax shall be measured by the entire net income of the corporation for the income year.

"If the business of the corporation is taxable both within and without this State, its entire net income or net loss shall be allocated and apportioned in accordance with the provisions of G. S. 105-130.4.

"§ 105-130.4. Allocation and Apportionment of Income for Corporations.

"(1) As used in this Section, unless the context otherwise requires:

a. 'Business income' means income arising from transactions and activity in the regular course of the corporation's trade or business and includes income from tangible and intangible property if the acquisition, management, and/or disposition of the property constitute integral parts of the corporation's regular trade or business operations.

b. 'Commercial domicile' means the principal place from which the trade or business of the taxpayer is directed or managed.

c. 'Compensation' means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

d. 'Excluded corporation' means any corporation engaged in the business of dealing in securities, any loan company, or any other corporation, which receives more than fifty per cent (50%) of its ordinary gross income from investments in and/or dealing in intangible property.

e. 'Nonbusiness income' means all income other than business income.

f. 'Public utility' means any corporation which is subject to control of North Carolina Utilities Commission and/or Federal Communications Commission, Interstate Commerce Commission, Federal Power Commission and Federal Aviation Agency and which owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, or the production, storage, transmission, sale, delivery or furnishing of electricity, water, steam, oil, oil products, or gas.

g. 'Sales' means all gross receipts of the corporation except receipts from any casual sale of property and except receipts allocated under subdivisions (3) through (8) of this Section.

h. 'Casual sale of property' means the sale of any property which was not purchased, produced or acquired primarily for sale in the corporation's regular trade or business.

i. 'State' means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

"(2) A corporation having income from business activity which is taxable both within and without this State shall allocate and apportion its net income or net loss as provided in this Section. For purposes of allocation and apportionment, a corporation is taxable in another state if (1) in that state it is subject to a net income tax, or any tax measured by net income, or (2) that state has jurisdiction to subject the corporation to a tax measured by net income regardless of whether, in fact, that state exercises such jurisdiction.

"(3) Rents and royalties from real or tangible personal property, gains and losses, interest, dividends less the portion deductible under G. S. 105-130.7, patent and copyright royalties and other kinds of income, to the extent that they constitute nonbusiness income, less related expenses shall be allocated as provided in subdivisions (4) through (8) of this Section.

"(4) a. Net rents and royalties from real property located in this State are allocable to this State.

b. Net rents and royalties from tangible personal property are allocable to this State:

1. if and to the extent that the property is utilized in this State, or

2. in their entirety if the corporation's commercial domicile is in this State and the corporation is not organized under the laws of, or is not taxable in, the state in which the property is utilized.

c. The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the income year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the income year. If the physical location of the property during the rental or royalty period is unkown or unascertainable by the corporation, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

"(5) a. Gains and losses from sales or other disposition of real property located in this State are allocable to this State.

b. Gains and losses from sales or other disposition of tangible personal property are allocable to this State if

1. the property had a situs in this State at the time of the sale, or

2. the corporation's commercial domicile is in this State and the corporation is not taxable in the state in which the property had a situs.

c. Gains and losses from sales or other disposition of intangible personal property are allocable to this State if the corporation's commercial domicile is in this State.

"(6) Interest and net dividends are allocable to this State if the corporation's commercial domicile is in this State subject to the following limitations:

a. Net dividends received by a corporation from another corporation in which the recipient corporation owns fifty (50%) or more per centum of the paying corporation's voting stock, shall be allocated to this State

if the paying corporation is subject to income tax in this State. In such case, the net amount of such dividends received by the recipient corporation from the paying corporation is allocable to this State by use of the same percentage figure used in determining the portion of the paying corporation's dividends deductible under the provisions of G. S. 105-130.7.

b. For purposes of this Section, the net amount of dividends shall mean gross dividend income received less related expenses and less that portion of such dividends deductible under the provisions of G. S. 105-130.7.

"(7) a. Royalties or similar income received from the use of patents, copyrights, secret processes and other similar intangible property are allocable to this State:

1. if and to the extent that the patent, copyright, secret process or other similar intangible property is utilized in this State, or

2. if and to the extent that the patent, copyright, secret process or other similar intangible property is utilized in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this State.

b. A patent, secret process or other similar intangible property is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, processing, or other use in the state or to the extent that a patented product is produced in the state. If the basis of receipts from such intangible property does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the intangible property is utilized in the state in which the taxpayer's commercial domicile is located.

c. A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

"(8) The income less related expenses from any other nonbusiness activities or investments not otherwise specified in this Section is allocable to this State if the business situs of the activities or investments are located in this State.

"(9) All business income of corporations other than public utilities and excluded corporations shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three. Provided, that where less than three of the said factors exist, the denominator of the fraction shall be the same as the number of existing factors.

"(10) a. The property factor is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned or rented and used in this State during the income year and the denominator of which is the average value of all the corporation's real and tangible personal property owned or rented and used during the income year.

b. Property owned by the corporation is valued at its original cost. Property rented by the corporation is valued at eight times the net annual

rental rate. Net annual rental rate is the annual rental rate paid by the corporation less any annual rental rate received by the corporation from sub-rentals. Any property under construction or any property which had not been actually used or operated in the corporation's business during the income year and any property the income from which constitutes nonbusiness income shall be excluded in the computation of the property factor.

c. The average value of property shall be determined by averaging the values at the beginning and end of the income year, but in all cases the Commissioner of Revenue may require the averaging of monthly or other periodic values during the income year if reasonably required to reflect properly the average value of the corporation's property. A corporation which ceases its operations in this State before the end of its income year because of its intention to dissolve or to relinquish its certificate of authority, or because of a merger or consolidation, or for any other reason whatsoever shall use the real estate and tangible personal property values as of the first day of the income year and the last day of its operations in this State in determining the average value of property, but the Commissioner may require averaging of monthly or other periodic values during the income year if reasonably required to reflect properly the average value of the corporation's property.

"(11) a. The payroll factor is a fraction, the numerator of which is the total amount paid in this State during the income year by the corporation as compensation, and the denominator of which is the total compensation paid everywhere during the income year. All compensation paid to general executive officers and all compensation paid in connection with nonbusiness income shall be excluded in computing the payroll factor. General executive officers shall include the chairman of the board, president, vice presidents, secretary, treasurer, comptroller, and any other officer serving in similar capacities.

b. Compensation is paid in this State if:

1. the individual's service is performed entirely within the State; or

2. the individual's service is performed both within and without the State, but the service performed without the State is incidental to the individual's service within the State; or

3. some of the service is performed in this State and (1) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this State, or (2) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

"(12) a. The sales factor is a fraction, the numerator of which is the total sales of the corporation in this State during the income year, and the denominator of which is the total sales of the corporation everywhere during the income year. Notwithstanding any other provision under this division, the receipts from any casual sale of property shall be excluded from both the numerator and the denominator of the sales factor. Where a corporation is not taxable in another state on its business income but

is taxable in another state only because of nonbusiness income, all sales shall be treated as having been made in this State.

b. Sales of tangible personal property are in this State if the property is received in this State by the purchaser. In the case of delivery of goods by common carrier or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. Direct delivery into this State by the taxpayer to a person or firm designated by a purchaser from within or without the State shall constitute delivery to the purchaser in this State.

c. Other sales are in this State if:

1. The receipts are from real or tangible personal property located in this State; or

2. The receipts are from intangible property and are received from sources within this State; or

3. The receipts are from services and the income-producing activities are in this State.

"(13) All business income of a railroad company shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is the 'railway operating revenue' from business done within this State and the denominator of which is the 'total railway operating revenue' from all business done by the company as shown by its records kept in accordance with the standard classification of accounts prescribed by the Interstate Commerce Commission.

" 'Railway operating revenue' from business done within this State shall mean 'railway operating revenue' from business wholly within this State, plus the equal mileage proportion within this State of each item of 'railway operating revenue' received from the interstate business of the company. 'Equal mileage proportion' shall mean the proportion which the distance of movement of property and passengers over lines in this State bears to the total distance of movement of property and passengers over lines of the company receiving such revenue. 'Interstate business' shall mean 'railway operating revenue' from the interstate transportation of persons or property into, out of, or through this State. If the Commissioner of Revenue shall find, with respect to any particular company, that its accounting records are not kept so as to reflect with exact accuracy such division of revenue by state lines as to each transaction involving interstate revenue, the Commissioner of Revenue may adopt such regulations, based upon averages, as will approximate with reasonable accuracy the proportion of interstate revenue actually earned upon lines in this State. Provided, that where a railroad is being operated by a partnership which is treated as a corporation for income tax purposes and pays a net income tax to this State, or if located in another state would be so treated and so pay as if located in this State, each partner's share of the net profits shall be considered as dividends paid by a corporation for purposes of this division and shall be so treated for inclusion in gross income, deductibility, and separate allocation of dividend income.

"(14) All business income of a telephone company shall be apportioned to this State by multiplying the income by a fraction, the numerator of which is gross operating revenue from local service in this State plus gross operating revenue from toll services performed wholly within this State plus the proportion of revenue from interstate toll services attributable to this State as shown by the records of the company plus the gross operating revenue in North Carolina from other service less the uncollectible revenue in this State, and the denominator of which is the total gross operating revenue from all business done by the company everywhere less total uncollectible revenue. Provided, that where a telephone company is required to keep its records in accordance with the standard classification of accounts prescribed by the Federal Communications Commission the amounts in such accounts shall be used in computing the apportionment fraction as provided in this subdivision.

"(15) All business income of a motor carrier of property shall be apportioned by multiplying the income by a fraction, the numerator of which is the number of vehicle miles in this State and the denominator of which is the total number of vehicle miles of the company everywhere. The words 'vehicle miles' shall mean miles traveled by vehicles owned or operated by the company hauling property for a charge or traveling on a scheduled route.

"(16) All business income of a motor carrier of passengers shall be apportioned by multiplying the income by a fraction, the numerator of which is the number of vehicle miles in this State and the denominator of which is the total number of vehicle miles of the company everywhere. The words 'vehicle miles' shall mean miles traveled by vehicles owned or operated by the company carrying passengers for a fare or traveling on a scheduled route.

"(17) All business income of a telegraph company shall be apportioned by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor and the denominator of which is three.

"The property factor shall be as defined in subdivision (10) of this Section, the payroll factor shall be as defined in subdivision (11) of this Section, and the sales factor shall be as defined in subdivision (12) of this Section.

"(18) All business income of an excluded corporation and of all other public utilities shall be apportioned by multiplying the income by the sales factor as determined under subdivision (12) of this Section.

"(19) a. If any corporation believes that the method of allocation or apportionment as administered by the Commissioner of Revenue has operated or will so operate as to subject it to taxation on a greater portion of its income than is reasonably attributable to business or earnings within the State, it shall be entitled to file with the Tax Review Board a petition setting forth the facts upon which its belief is based and its argument with respect to the application of the allocation formula. This petition shall be filed in such form and within such time as the Tax Review Board may prescribe. The Board shall grant a hearing thereon. At least three members of the Tax Review Board shall attend any hearing pursuant to such petition.

In such cases, the Tax Review Board's membership shall be augmented by the addition of the Commissioner of Revenue who shall sit as a member of said Board with full power to participate in its deliberations and decisions with respect to petitions filed under the provisions of this Section. An informal record containing in substance the evidence, contentions and arguments presented at the hearing shall be made. All members of the augmented Tax Review Board shall consider such evidence, contentions and arguments and the decisions thereon shall be made by a majority vote of the augmented Board.

b. If the corporation shall employ in its books of account a detailed allocation of receipts and expenditures which reflects more clearly than the applicable allocation formula prescribed by this Section the income attributable to the business within this State, application for permission to base the return upon the taxpayer's books of account shall be considered by the Tax Review Board. The Board shall be authorized to permit such separate accounting method in lieu of applying the applicable allocation formula if the Board deems such method proper as best reflecting the income and earnings attributable to this State.

c. If the corporation shall show that any other method of allocation than the applicable allocation formula prescribed by this Section reflects more clearly the income attributable to the business within this State, application for permission to base the return upon such other method shall be considered by the Tax Review Board. The application shall be accompanied by a statement setting forth in detail, with full explanations, the method the corporation believes will more nearly reflect its income from business within this State. If the Board shall conclude that the allocation formula prescribed by this Section allocates to this State a greater portion of the net income of the corporation than is reasonably attributable to business or earnings within this State, it shall determine the allocable net income by such other method as it shall find best calculated to assign to this State for taxation the portion of the corporation's net income reasonably attributable to its business or earnings within this State.

d. There shall be a presumption that the appropriate allocation formula reasonably attributes to this State the portion of the corporation's income earned in this State, and the burden shall rest upon the corporation to show the contrary. The relief herein authorized shall be granted by the Board only in cases of clear, cogent and convincing proof that the petitioning corporation is entitled thereto. No corporation shall use any alternative formula or method other than the applicable allocation formula provided by statute in making a report or return of its income to this State except upon order in writing of the Board, and any return in which any alternative formula or other method, other than the applicable allocation formula prescribed by statute, is used without permission of the Board shall not be a lawful return.

When the Board determines, pursuant to the provisions of this subdivision, that an alternative formula or other method more accurately reflects the income allocable to North Carolina and renders its decision with regard thereto, the corporation shall allocate its net income for future years in accordance with such determination and decision of the Board so

long as the conditions constituting the basis upon which the decision was made remain unchanged or until such time as the business method of operation of the corporation changes. Provided, however, that the Commissioner of Revenue may, in his discretion, with respect to any subsequent year, require the corporation to furnish information relating to its property, operations, and activities.

e. A corporation which proposes to do business in this State may file a petition with the Board setting forth the facts upon which it contends that the applicable allocation formula will allocate a greater portion of the corporation's future income to North Carolina than will be reasonably attributable to its proposed business or contemplated earnings within the State. Upon a proper showing in accordance with the procedure described above for determinations by the Board, the Board may authorize such corporation to allocate income from its future business to North Carolina on the basis prescribed by the Board under the provisions of this Section for such future years if the conditions constituting the basis upon which the Board's decision is made remain unchanged and the business operations of the corporation continue to conform to the statement of proposed methods of business operation presented by the corporation to the Board.

f. When the Commissioner of Revenue asserts liability under the formula adjustment decision of the Tax Review Board, an aggrieved corporation may pay the tax and bring a civil action for recovery under the provisions of Article 9.

"§ 105-130.5. Adjustments to Federal Taxable Income in Determining State Net Income.

a. The following additions to federal taxable income shall be made in determining State net income:

(1) Taxes based on or measured by net income by whatever name called and excess profits taxes;

(2) Interest deemed excessive under G. S. 105-130.6 and interest paid in connection with income exempt from taxation under this division;

(3) The contributions deduction allowed by the Internal Revenue Code;

(4) Interest income earned on bonds and other obligations of other states or their political subdivisions, less allowable amortization on any bond acquired on or after January 1, 1963;

(5) The amount by which gains have been offset by the capital loss carryover allowed under the Internal Revenue Code. All gains recognized on the sale or other disposition of assets must be included in determining State net income or loss in the year of disposition;

(6) The net operating loss deduction allowed by the Internal Revenue Code; and

(7) Special deductions allowable under Sections 241 to 247, inclusive, of the Internal Revenue Code.

b. The following deductions from federal taxable income shall be made in determining State net income:

(1) Interest upon the obligations of the United States or its possessions, to the extent included in federal taxable income: Provided, interest upon the obligations of the United States shall not be an allowable deduction unless interest upon obligations of the State of North Carolina or any of

its political subdivisions is exempt from income taxes imposed by the United States;

(2) Interest received by a corporation on indebtedness owed to it by its parent, subsidiary, or an affiliated corporation which in the determination of the net income or net loss of such subsidiary or affiliated corporation was not allowed as a deduction under the provisions of G. S. 105-130.6;

(3) The deductible portion of dividends from stock issued by any corporation as provided under G. S. 105-130.7;

(4) Losses in the nature of net economic losses sustained by the corporation in any or all of the five preceding years pursuant to the provisions of G. S. 105-130.8. Provided, a corporation required to allocate and apportion its net income under the provisions of G. S. 105-130.4 shall deduct its allocable net economic loss only from total income allocable to this State pursuant to the provisions of G. S. 105-130.8;

(5) Contributions or gifts made by any corporation within the income year to the extent provided under G. S. 105-130.9;

(6) Amortization in excess of depreciation allowed for federal income tax purposes on the cost of any sewage or waste treatment plant as provided in G. S. 105-130.10;

(7) Depreciation of emergency facilities acquired prior to January 1, 1955. Any corporation shall be permitted to depreciate any emergency facility, as such is defined in Section 168 of the Internal Revenue Code, over its useful life, provided such facility was acquired prior to January 1, 1955, and no amortization has been claimed on such facility for State income tax purposes; and

(8) The amount of losses realized on the sale or other disposition of assets not allowed under Section 1211(a) of the Internal Revenue Code. All losses recognized on the sale or other disposition of assets must be included in determining State net income or loss in the year of disposition.

c. The following other adjustments to federal taxable income shall be made in determining State net income:

(1) Any gains or losses realized from the sale or exchange by a corporation of its property in a liquidation under Section 337 of the Internal Revenue Code which are applicable to proceeds distributable to shareholders whose income is not taxed under the North Carolina income tax laws must be included in determining State net income.

(2) In determining State net income, no deduction shall be allowed for annual amortization of bond premiums applicable to any bond acquired prior to January 1, 1963. The amount of premium paid on any such bond shall be deductible only in the year of sale or other disposition.

(3) Federal taxable income must be increased or decreased to account for any difference in the amount of depreciation, amortization, or gains or losses applicable to property which has been depreciated or amortized by use of a different basis or rate for State income tax purposes than used for federal income tax purposes prior to the effective date of this division.

"§ 105-130.6. Subsidiary and Affiliated Corporations. The net income of a corporation doing business in this State which is a parent, subsidiary or affiliate of another corporation shall be determined by eliminating all payments to or charges by a parent, subsidiary or affiliated corporation

in excess of fair compensation in all inter-company transactions of any kind whatsoever. Interest payments between such corporations computed at a rate in excess of six per cent (6%) per annum shall be considered excessive. If the Commissioner of Revenue shall find as a fact that a report by such corporation does not disclose the true earnings of such corporation on its business carried on in this State, the Commissioner may require that such corporation file a consolidated return of the entire operations of the parent corporation and of its subsidiaries and affiliates, including its own operations and income, and shall determine the true amount of net income earned by such corporation in this State as provided herein. The combined net income of such corporation and of its parent, subsidiaries and affiliates shall be apportioned to this State by use of the applicable apportionment formula required to be used by such corporation under G. S. 105-130.4. In such cases there shall be included in the apportionment formula the property, payrolls and sales of all corporations for which the return is made. For the purposes of this Section, a corporation shall be deemed a subsidiary of another corporation hereby designated the parent corporation, when, directly or indirectly, it is subject to control by such other corporation by stock ownership, interlocking directors, or by any other means whatsoever exercised by the same or associated financial interests, whether such control is direct or through one or more subsidiary, affiliated, or controlled corporations, and a corporation shall be deemed an affiliate of another corporation when both are directly or indirectly controlled by the same parent corporation or by the same or associated financial interests by stock ownership, interlocking directors, or by any other means whatsoever, whether such control be direct or through one or more subsidiary, affiliated or controlled corporations. Upon such finding by the Commissioner of Revenue, the consolidated return authorized by this Section may be required whether the parent or controlling corporation or interests or its subsidiaries or affiliates, other than the taxpayer, are or are not doing business in this State.

"If such consolidated return is required and is not filed within 60 days after demand, said parent, subsidiary or affiliated corporation shall be subject to the penalty provided in this Act for failure to file return and, in addition, shall be subject to the penalty provided in G. S. 105-230, and in such event the provisions of G. S. 105-236 shall apply.

"Such parent, subsidiary or affiliated corporation shall incorporate in its return required under this Section such information as the Commissioner of Revenue may reasonably require for the determination of the net income taxable under this division, and shall furnish such additional information as the Commissioner may reasonably require. If the return does not contain the information therein required or such additional information is not furnished within 30 days after demand, the corporation shall be subject to a penalty of one hundred dollars ($100.00) for each day's omission, in addition to the penalty provided in G. S. 105-230.

"If the Commissioner finds that the determination of the income of a parent, subsidiary or affiliated corporation under a consolidated return as herein provided will produce a greater or lesser figure than the amount of income earned in this State, he may readjust the determination by

reasonable methods of computation to make it conform to the amount of income earned in this State; and if the corporation contends the figure produced is greater than the earnings in this State, it shall within 30 days after notice of such determination, file with the Commissioner a statement of its objections and of an alternative method of determination with such detail and proof as the Commissioner may require, and the Commissioner shall consider the same in determining the income earned in this State. In making such determination, the findings and conclusions of the Commissioner shall be presumed to be correct and shall not be set aside unless shown to be plainly wrong.

"§ 105-130.7. Deductible Portion of Dividends. Dividends from stock issued by any corporation shall be deducted to the extent herein provided.

(1) As soon as may be practicable after the close of each calendar year, the Commissioner of Revenue shall determine from each corporate income tax return filed with him during such year, and due from the filing corporation during such year, the proportion of the entire net income or loss of the corporation allocable to this State under the provisions of G. S. 105-130.4, except as provided herein; if a corporation has a net income in North Carolina and a net loss from all sources wherever located, or if a corporation has a net loss in North Carolina and a net income from all sources wherever located, the Commissioner shall require the use of the allocation fraction determined under the provisions of G. S. 105-130.4. A corporation which is a stockholder in any such corporation shall be allowed to deduct the same proportion of the dividends received by it from such corporation during its income year ending at or after the end of such calendar year. No deduction shall be allowed for any part of any dividend received by such corporation from any corporation which filed no income tax return with the Commissioner of Revenue during such calendar year.

(2) Dividends received by a corporation from stock in any insurance company of this State taxed under the provisions of G. S. 105-228.5 shall be deductible by such corporation, and a proportionate part of any dividends received from stock in any foreign insurance corporation shall be deductible, such part to be determined on the basis of the ratio of premiums reported for taxation in this State to total premiums collected both in and out of this State.

(3) Dividends received by a corporation from stock in any bank or trust company in this State taxed under the provisions of Article 8C of this chapter shall be deductible.

(4) A corporation shall be allowed to deduct such proportionate part of dividends received by it from a regulated investment company or a real estate investment trust, as defined in G. S. 105-130.12, as represents and corresponds to income received by such regulated investment company or real estate investment trust which would not be taxed by this State if received directly by the corporation.

"§ 105-130.8. Net Economic Loss. Net economic losses sustained by a corporation in any or all of the five preceding income years shall be allowed as a deduction to such corporation subject to the following limitations:

(1) The purpose in allowing the deduction of a net economic loss of a prior year or years is that of granting some measure of relief to the

corporation which has incurred economic misfortune or which is otherwise materially affected by strict adherence to the annual accounting rule in the determination of net income. The deduction herein specified does not authorize the carrying forward of any particular items or category of loss except to the extent that such loss or losses shall result in the impairment of the net economic situation of the corporation so as to result in a net economic loss as hereinafter defined.

(2) The net economic loss for any year shall mean the amount by which allowable deductions for the year other than prior year losses shall exceed income from all sources in the year including any income not taxable under this division.

(3) Any net economic loss of a prior year or years brought forward and claimed as a deduction in any income year may be deducted from net income of the year only to the extent that such carryover loss from the prior year or years shall exceed any income not taxable under this division received in the same year in which the deduction is claimed, except that in the case of a corporation required to allocate and apportion to North Carolina its net income, as defined in this division, only such proportionate part of the net economic loss of a prior year shall be deductible from total income allocable to this State as would be determined by the use of the allocation and apportionment provisions of G. S. 105-130.4 for the year of such loss.

(4) A net economic loss carried forward from any year shall first be applied to, or offset by, any income taxable or nontaxable of the next succeeding year before any portion of such loss may be carried forward to a succeeding year.

(5) For purposes of this Section, any income item deductible in determining State net income under the provisions of G. S. 105-130.5 and any nonbusiness income not allocable to this State under the provisions of G. S. 105-130.4 shall be considered as income not taxable under this division.

(6) No loss shall either directly or indirectly be carried forward more than five years.

"§ 105-130.9. Contributions. Contributions shall be allowed as a deduction to the extent and in the manner provided as follows:

(1) Contributions or gifts made by any corporation within the income year to corporations, trusts, community chests, funds, foundations or associations organized, and operated exclusively for religious, charitable, literary, scientific, or educational purposes or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions or gifts made by any corporation within the income tax year to posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual, or the organization known as Alcoholics Anonymous or any local chapter thereof, or to a cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to

engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual: Provided, the amount allowed as a deduction hereunder shall be limited to an amount not in excess of five per centum (5%) of the corporation's net income as computed without the benefit of this subdivision or subdivision (2) of this Section; and, provided further, that contributions made to North Carolina donees by corporations allocating a part of their total net income outside this State shall not be allowed under this subdivision, but shall be allowed under subdivision (3) of this Section.

(2) Contributions by any corporation to the State of North Carolina, any of its institutions, instrumentalities, or agencies, any county of this State, its institutions, instrumentalities, or agencies, any municipality of this State, its institutions, instrumentalities, or agencies, and contributions or gifts by any corporation to educational institutions located within North Carolina, no part of the net earnings of which inures to the benefit of any private stockholder or individual. For the purpose of this subdivision, the words 'educational institution' shall mean only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where the educational activities are carried on.

(3) Corporations allocating a part of their total net income outside North Carolina under the provisions of G. S. 105-130.4 shall deduct from total income allocable to North Carolina contributions made to North Carolina donees qualified under subdivisions (1) and (2) of this Section or made through North Carolina offices or branches of other donees qualified under the above-mentioned subdivisions of this Section; provided, such deduction for contributions made to North Carolina donees qualified under subdivision (1) of this Section shall be limited in amount to five per cent (5%) of the total income allocated to North Carolina as computed without the benefit of this deduction for contributions.

"§ 105-130.10. Amortization of Waste Treatment Facilities. In lieu of any depreciation allowance, at the option of the corporation, a deduction shall be allowed for amortization of the cost of any sewage or waste treatment plant, including waste lagoons, and pollution abatement equipment purchased or constructed and installed which reduces the amount of water pollution resulting from the discharge of sewage and industrial wastes or other polluting materials or substances into streams, lakes, or rivers, based on a period of 60 months. The deduction provided for in this Section shall be allowed by the Commissioner of Revenue only upon condition that the corporation claiming such allowance shall furnish to the Commissioner a certificate from the State Stream Sanitation Committee certifying that said Committee has found as a fact that the waste treatment plant or pollution abatement equipment purchased or constructed and installed as above described has actually been constructed and installed and that such plant or equipment complies with the requirements of said Committee with respect to such plants or equipment, that such plant or equipment is being effectively operated in accordance with the terms and conditions

set forth in the permit, certificate of approval, or other document of approval issued by the State Stream Sanitation Committee, and that the primary purpose thereof is to reduce water pollution resulting from the discharge of sewage and waste and not merely incidental to other purposes and functions.

"§ 105-130.11. Conditional and Other Exemptions. (a) The following organizations shall be exempt from taxation under this division except as provided in subsection (b) of this Section:

(1) Fraternal beneficiary societies, orders or associations

a. Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and

b. Providing for the payment of life, sick, accident, or other benefits to the members of such society, order or association, or their dependents;

(2) Every bank or banking association, trust company or any combination of such facilities or services subject to taxation under Article 8C of this chapter; and building and loan associations, and savings and loan associations subject to capital stock tax and/or excise tax under Article 8D of this chapter; and any cooperative banks without capital stock organized and operated for mutual purposes and without profit, and electric and telephone membership corporations organized under Chapter 117 of the General Statutes;

(3) Cemetery corporations and corporations organized for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual;

(4) Business leagues, chambers of commerce, merchants' associations, or boards of trade not organized for profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual;

(5) Civic leagues or organizations not organized for profit, but operated exclusively for the promotion of social welfare;

(6) Clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net earnings of which inures to the benefit of any private stockholder or member;

(7) Farmers' or other mutual hail, cyclone, or fire insurance companies, mutual ditch or irrigation companies, mutual or co-operative telephone companies, or like organizations of a purely local character the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting expenses;

(8) Farmers', fruit growers', or like organizations organized and operated as sales agents for the purpose of marketing the products of members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of product furnished by them;

(9) Mutual associations formed under G. S. 54-111 through 54-128 to conduct agricultural business on the mutual plan and marketing associations organized under G. S. 54-129 through 54-158.

Nothing in this subdivision shall be construed to exempt any co-operative, mutual association or other organization from an income tax on net income which has not been refunded to patrons on a patronage basis and distributed either in cash, stock, certificates, or in some other manner that

discloses to each patron the amount of his patronage refund. Provided, in arriving at net income for purposes of this subdivision, no deduction shall be allowed for dividends paid on capital stock. Patronage refunds made after the close of the taxable year and on or before the fifteenth day of the ninth month following the close of such year shall be considered as made on the last day of such taxable year to the extent the allocations are attributable to income derived before the close of such year; provided, that no stabilization or marketing organization, which handles agricultural products for sale for producers on a pool basis, shall be deemed to have realized any net income or profit in the disposition of a pool or any part of a pool until all of the products in that pool shall have been sold and the pool shall have been closed; provided, further, that a pool shall not be deemed closed until the expiration of at least 90 days after the sale of the last remaining product in that pool. Such co-operatives and other organizations shall file an annual information return with the Commissioner of Revenue on forms to be furnished by the Commissioner and shall include therein the names and addresses of all persons, patrons and/or shareholders, whose patronage refunds amount to ten dollars ($10.00) or more; and

(10) Insurance companies paying the tax on gross premiums as specified in G. S. 105-228.5.

(b) Organizations described in subdivisions (1), (3), (4), (5), (6), (7), (8) or (9) of subsection (a) of this Section shall be subject to the tax provided for in G. S. 105-130.3 to the following extent:

Gross income derived by any organization from any trade or business the conduct of which is not substantially related (aside from the need of the organization for income) to the exercise or performance of those functions constituting the basis for its exemption in subsection (a) of this Section, less all deductions allowed by this division directly connected with carrying on such trade or business and less one thousand dollars ($1,000.00); provided, this paragraph shall not apply to interest, royalties, dividends or rents; provided further, this paragraph shall not apply to any trade or business (i) in which substantially all the work in carrying on such trade or business is performed for the organization without compensation; or (ii) which is the selling of merchandise, substantially all of which is given to it; (iii) which is carried on by an organization described in G. S. 105-130.11(a)(3) primarily for the convenience of its members, students, patients or employees. Provided further, this paragraph shall not apply to net income derived from research (i) performed by a college, university or hospital; or (ii) performed for the United States, its instrumentalities or any state or political subdivision thereof; or (iii) performed by an organization operated primarily for the purpose of carrying on fundamental research, the results of which are freely available to the general public.

"§ 105-130.12. Regulated Investment Companies and Real Estate Investment Trusts. Any organization or trust which, in the opinion of the Commissioner of Revenue of North Carolina, qualifies as either a 'regulated investment company' under the provisions of United States Code Annotated Title 26, § 851, or as a 'real estate investment trust' under the provisions of United States Code Annotated Title 26, § 856, and which files with the

North Carolina Department of Revenue its election to be treated as a 'regulated investment company' or as a 'real estate investment trust' shall be taxed under this division upon only that part of its net income which is not distributed or declared for distribution to shareholders during the income year or (i), with respect to a regulated investment company, within 30 days after the end of the income year and (ii), with respect to a real estate investment trust by the time required by law for the filing of the return for the income year. Provided, that amounts distributed or declared for distribution during the prescribed period to nonresident shareholders not taxed on such distributions under the income tax laws of this State shall not be excluded in computing the net income of such regulated investment company or real estate investment trust.

"§ 105-130.13. Special Corporations. A corporation electing to be taxed under Subchapter S of Chapter 1 of the Internal Revenue Code shall compute its State taxable income in the same manner as corporations not electing to be taxed under Subchapter S of Chapter 1 of the Internal Revenue Code.

"§ 105-130.14. Corporations Filing Consolidated Returns For Federal Income Tax Purposes. Any corporation electing or required to file a consolidated income tax return with the Internal Revenue Service shall not file a consolidated return with the Commissioner of Revenue, unless specifically directed to do so in writing by the Commissioner, and shall determine its State net income as if a separate return had been filed for federal purposes.

"§ 105-130.15. Basis of Return of Net Income. (a) The net income of a corporation shall be computed in accordance with the method of accounting regularly employed in keeping the books of such corporation, but such method of accounting must be consistent with respect to both income and deductions, but if in any case such method does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the Commissioner of Revenue does clearly reflect the income, but shall follow as nearly as practicable the federal practice, unless contrary to the context and intent of this division.

The Commissioner may in his discretion adopt the rules and regulations and any guidelines administered or established by the Internal Revenue Service unless contrary to any provisions of this division.

(b) Change of Income Year.

(1) A corporation may change the income year upon which it reports for income tax purposes without prior approval by the Commissioner of Revenue if such change in income year has been approved by or is acceptable to the Federal Commissioner of Internal Revenue and is used for filing income tax returns under the provisions of the Internal Revenue Code of 1954.

If a corporation desires to make a change in its income year other than as provided above, it may make such change in its income year with the approval of the Commissioner of Revenue, provided such approval is requested at least 30 days prior to the end of its new income year.

A corporation which has changed its income year without requesting the approval of the Commissioner of Revenue as provided in the first para-

graph of this subdivision shall submit to the Commissioner of Revenue notification of any change in the income year after the change has been approved by the Federal Commissioner of Internal Revenue or his agent where application for permission to change is required by the Federal Commissioner of Internal Revenue with such notification stating that such approval has been received. Where application for change of the income year is not required by the Federal Commissioner of Internal Revenue, notification of the change of income year shall be submitted to the Commissioner of Revenue with the short period return.

(2) A return for a period of less than 12 months (referred to in this subsection as 'short period') shall be made when the corporation changes its income year. In such a case, the return shall be made for the short period beginning on the day after the close of the former taxable year and ending at the close of the day before the day designated as the first day of the new taxable year, except that a corporation changing to, or from, a taxable year varying from 52 to 53 weeks shall not be required to file a short period return if such change results in a short period of 359 days or more, or less than seven days. Short period income tax returns shall be filed within the same period following the end of such short period as is required for full year returns under the provisions of G. S. 105-130.7.

(c) Any foreign corporation not domesticated in this State shall not use the installment method of reporting income to this State unless such corporation files a bond with the Commissioner of Revenue in such amount and with such sureties as the Commissioner shall deem necessary to secure the payment of any taxes which were deferred with respect to any installment transaction.

(d) Notwithstanding any other provision of this division, any corporation which uses the installment method of reporting income to this State and which is planning to withdraw from this State, merge, or consolidate its business, or terminate its business in this State by any other means whatsoever, shall be required to make a report for income tax purposes, to the Commissioner of Revenue, of any unrealized or unreported income from installment sales made while doing business in this State and to pay any tax which may be due on such income. The manner and form for making such report and paying the tax shall be as prescribed by the Commissioner.

"§ 105-130.16. Returns. Every corporation doing business in this State shall file with the Commissioner of Revenue an income tax return under affirmation, showing therein specifically the items of gross income and the deductions allowed by this division, and such other facts as the Commissioner may require for the purpose of making any computation required by this division.

"The return of a corporation shall be signed by either its president, vice president, treasurer, assistant treasurer, secretary or assistant secretary. There shall be annexed to the return the affirmation of the officer signing the same, which shall be in the form prescribed in G. S. 105-130.17 of this division, and the same penalties prescribed in G. S. 105-236 shall apply to any person making wilful misstatements in said returns.

"When the Commissioner of Revenue has reason to believe that any corporation so conducts its trade or business in such manner as to either directly or indirectly distort its true net income and the net income properly attributable to the State, whether by the arbitrary shifting of income, through price fixing, charges for service, or otherwise, whereby the net income is arbitrarily assigned to one or another unit in a group of taxpayers carrying on business under a substantially common control, he may require such facts as he deems necessary for the proper computation of the entire net income and the net income properly attributable to the State, and in determining same the Commissioner of Revenue shall have regard to the fair profit which would normally arise from the conduct of the trade or business.

"When any corporation liable to taxation under this division conducts its business in such a manner as to either directly or indirectly benefit the members or stockholders thereof or any person interested in such business by selling its products or goods or commodities in which it deals at less than the fair price which might be obtained therefor, or where a corporation, a substantial portion of whose capital stock is owned either directly or indirectly by another corporation, acquires and disposes of the products of the corporation so owning a substantial portion of its stock in such a manner as to create a loss or improper net income for either of said corporations, or where a corporation, owning directly or indirectly a substantial portion of the stock of another corporation, acquires and disposes of the products of the corporation of which it so owns a substantial portion of the stock in such manner as to create a loss or improper net income for either of said corporations, the Commissioner of Revenue may determine the amount of taxable income of any such corporations for the calendar or fiscal year, having due regard to the reasonable profits which, but for such arrangement or understanding, might or could have been obtained by the corporation or corporations liable to taxation under this division from dealing in such products, goods or commodities.

"§ 105-130.17. Time and Place of Filing Returns. (a) Returns shall be in such form as the Commissioner of Revenue may from time to time prescribe, and shall be filed with the Commissioner at his office, or at any branch office which he may establish. The Commissioner shall cause to be prepared blank forms for the said returns, and shall cause them to be distributed throughout the State, and shall furnish them upon request; but failure to receive or secure the form shall not relieve any corporation from the obligation of making any return herein required.

(b) Except as provided in (c), the return of a corporation reporting on a calendar year basis shall be filed on or before the fifteenth day of March next following, and the return of a corporation reporting on a fiscal year basis shall be filed on or before the fifteenth day of the third month following the close of the fiscal year.

(c) In the case of mutual associations formed under G. S. 54-111 through 54-128 to conduct agricultural business on the mutual plan and marketing associations organized under G. S. 54-129 through 54-158, which are required to file under subsection (a) (9) of G. S. 105-130.11, a return made on the basis of a calendar year shall be filed on or before the

fifteenth day of the September following the close of the calendar year, and a return made on the basis of a fiscal year shall be filed on or before the fifteenth day of the ninth month following the close of the fiscal year.

(d) In case of sickness, absence, or other disability or whenever in his judgment good cause exists, the Commissioner may allow further time for filing returns.

(e) Any corporation which ceases its operations in this State before the end of its income year because of its intention to dissolve or to withdraw from this State, or because of a merger or consolidation or for any other reason whatsoever shall file its return for the then current income year within 75 days after the date it terminates its business in this State.

(f) There shall be annexed to the return the affirmation of an officer of the corporation making the return in the following form: " 'Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this return, including any accompanying schedules and statements, is true and complete.' If prepared by a person other than taxpayer, his affirmation is based on all information of which he has any knowledge."

"§ 105-130.18. Failure to File Returns; Supplementary Returns. If the Commissioner of Revenue shall be of the opinion that any corporation has failed to file a return or to include in a return filed, either intentionally or through error, items of taxable income he may require of such corporation a return or supplementary return, under affirmation, in such form as he shall prescribe, of all the items of income which the corporation received during the year for which the return is made, whether or not taxable under this division. If from a supplementary return or otherwise the Commissioner finds any items of income, taxable under this division, have been omitted from the original return, or any items returned as taxable that are not taxable, or any item of taxable income overstated or understated, he may require any such item to be disclosed to him under affirmation of the corporation, and to be added to or deducted from the original return. Such supplementary return and the correction of the original return shall not relieve the corporation from any of the penalties to which it may be liable under the provisions of G. S. 105-236. The Commissioner may proceed under the provisions of G. S. 105-241.1, whether or not he requires a return or a supplementary return under this Section.

"§ 105-130.19. Time and Place of Payment of Tax. (a) Except as otherwise provided in this Section and in Article 4B of this chapter, the full amount of the tax payable as shown on the face of the return shall be paid to the Commissioner of Revenue at the office where the return is filed and within the time fixed by law for filing the return.

(b) If the amount of the tax exceeds fifty dollars ($50.00), payment may be made in two equal installments: One-half on the date the return is filed, and one-half on or before the fifteenth day of the sixth month following the month in which the return was originally due to be filed, with interest on the deferred payment at the rate of six per cent (6%) per annum from the date the return was originally due to be filed. If the amount of the tax exceeds four hundred dollars ($400.00), payment may

be made in four equal installments: One-fourth at the time of filing the return, one-fourth on or before the fifteenth day of the third month following the month in which the return was originally due to be filed, one-fourth on or before the fifteenth day of the sixth month following the month in which the return was originally due to be filed, and one-fourth on or before the fifteenth day of the ninth month following the month in which the return was originally due to be filed, with interest on deferred payments at the rate of six per cent (6%) per annum from the date the return was originally due to be filed.

(c) In the event any deferred payment is not made when due, then the entire balance of the tax will immediately become due and collectible, and interest upon such outstanding balance shall be added at the rate of six per cent (6%) per annum from the date the return was originally due to be filed until paid.

(d) The tax may be paid with uncertified check during such time and under such regulations as the Commissioner of Revenue shall prescribe; but if a check so received is not paid by the bank on which it is drawn, the taxpayer by whom such check is tendered shall remain liable for the payment of the tax and for all legal penalties the same as if such check had not been tendered.

"§ 105-130.20. Corrections and Changes. (a) If the amount of the taxable income for any year of any corporation subject to taxation under this division, as reported or as reportable to the United States Treasury Department, is changed, corrected, or otherwise determined by the Commissioner of Internal Revenue or other officer of the United States of competent authority, such taxpayer, within two years after receipt of a final determination reflecting the changed, corrected or determined taxable income shall make return under oath or affirmation to the Commissioner of Revenue of such taxable income. The Commissioner of Revenue shall thereupon proceed to determine, from such facts or evidence as he may have brought to his attention or shall otherwise acquire, whether or not the same were considered or taken into account in the federal determination, the correct tax liability of such corporation for the year. If there shall be any additional tax due from such corporation, the same shall be assessed and collected; and if there shall have been an overpayment of the tax, the Commissioner shall, within 30 days after the final determination of the tax liability, refund the amount of such overpayment.

(b) Any corporation which fails to comply with this Section as to making return of federally determined taxable income within the time specified shall be subject to all penalties provided in G. S. 105-236, in the case of additional tax due, and shall forfeit its rights to any refund due by reason of federal changes.

(c) When the corporation makes the return of federally determined taxable income, the Commissioner of Revenue shall make assessments or refunds based thereon within three years from the date the return required by this Section is filed and not thereafter. If the corporation fails to make such return, no statute of limitations shall apply: Provided, that if the Department of Revenue receives from the United States Government or any of its agents a report reflecting such federally determined taxable

income, the Commissioner of Revenue shall make assessment for taxes due based on such taxable income within five years from the date the report from the United States Government or its agent is actually received and not thereafter. The assessment of tax or additional tax under this Section shall not be subject to any statute of limitations except as provided in this Section.

(d) Nothing in this Section shall be construed as preventing the Commissioner of Revenue from making an assessment immediately following the receipt from any source of information concerning the correction, change in, or determination of net income of a taxpayer by the United States Government.

"§ 105-130.21. Information at the Source. (a) Every corporation having a place of business or having one or more employees, agents or other representatives in this State, in whatever capacity acting, including lessors or mortgagors of real or personal property, or having the control, receipt, custody, disposal, or payment of interest (other than interest coupons payable to the bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable annual or periodical gains or profits paid or payable during any year to any taxpayer, shall make complete return thereof to the Commissioner of Revenue under such regulations and in such form and manner and to such extent as may be prescribed by him. The filing of any report in compliance with the provisions of this Section by a foreign corporation shall not constitute an act in evidence of and shall not be deemed to be evidence that such corporation is doing business in this State.

"(b) Every corporation doing business or having a place of business in this State shall file with the Commissioner of Revenue, on such form and in such manner as he may prescribe, the names and addresses of all taxpayers, residents of North Carolina, to whom dividends have been paid and the amount of such dividends during the income year."

(d) Designating General Statute Sections 105-133 through 105-159 as "DIVISION II. INDIVIDUAL INCOME TAX."

(e) Redesignating the present G. S. 105-133 as G. S. 105-136 and by rewriting the first paragraph thereof to read as follows:

"A tax is hereby imposed upon every resident of this State which shall be levied, collected, and paid annually, with respect to the net income of the taxpayer as herein defined, and upon the net income derived from North Carolina sources of every nonresident individual which is attributable to the ownership of any interest in real or tangible personal property in this State or which is from a business, trade, profession, or occupation carried on in this State, computed at the following rates, after deducting the exemptions provided in this division."

(f) Adding a new Section to be designated as G. S. 105-133 and to read as follows:

"§ 105-133. Short Title. This division of the income tax Article shall be known and may be cited as The Individual Income Tax Act."

(g) Rewriting G. S. 105-134 to read as follows:

"§ 105-134. Purpose. The general purpose of this division is to impose a tax for the use of the State government upon the net income in excess of the exemptions herein allowed collectible annually:

"(1) Of every resident of this State.

"(2) Of every nonresident individual deriving income from North Carolina sources attributable to the ownership of any interest in real or tangible personal property in this State or deriving income from a business, trade, profession, or occupation carried on in this State."

(h) Repealing the present G. S. 105-135; by redesignating the present G. S. 105-132 as the new G. S. 105-135 and by making the following changes therein:

(1) Deleting the word "article" from line 1 and substituting therefor the word "division"; deleting the words "corporation, or fiduciary" from subdivision (1); and deleting the word "article" from subdivision (1) and substituting therefor the word "division";

(2) Rewriting subsection (9) to read as follows:

"(9) The words 'educational institution' mean only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on."

(3) Rewriting subsection (10) to read as follows:

"(10) The words 'income year' or 'taxable year' mean the calendar year or the fiscal year upon the basis of which the net income is computed under this division; provided, that if no fiscal year has been established, they mean the calendar year, except that in the case of a return made for a fractional part of a year under the provisions of this division or under rules or regulations prescribed by the Commissioner of Revenue, the words 'income year' or 'taxable year' mean the period for which such return is made."

(4) Deleting the word "article" which appears in the seventh line of subsection (11) and substituting therefor the word "division".

(5) Deleting the word "article" wherever the same appears in subsection (12) and substituting therefor the word "division".

(6) Deleting from the first sentence of the second paragraph of subsection (13) the words "In cases in which it is demonstrated to the satisfaction of the Commissioner of Revenue that", and substituting therefor the word "If"; and deleting the word "residence" on line 11 of the second paragraph and substituting therefor the word "domicile".

(i) Rewriting G. S. 105-137 to read as follows:

"§ 105-137. Year of Assessment. The tax imposed by this division shall be assessed, collected, and paid in the year following the year for which the assessment is made, except as provided to the contrary in Article 4A of this chapter."

(j) Repealing G. S. 105-138, 105-138.1 and 105-139.

(k) Deleting the word "article" wherever the same appears in G. S. 105-140 and substituting therefor the word "division".

(l) Making the following changes in G. S. 105-141:

(1) Rewriting subsection (a) to read as follows:

"(a) Except as otherwise provided in subsection (b) of this Section, 'gross income' for purposes of this division shall mean all income in whatever form and from whatever source derived, including (but not limited to) the following items:

(1) Compensation for services, including fees, commissions and similar items;

(2) Gross income derived from business;

(3) Gains derived from dealings in property;

(4) Interest;

(5) Rents;

(6) Royalties;

(7) Dividends;

(8) Alimony and separate maintenance payments, subject to the provisions of G. S. 105-141.2;

(9) Annuities, subject to the provisions of G. S. 105-141.1;

(10) Income from life insurance and endowment contracts;

(11) Pensions;

(12) Income from discharge of indebtedness;

(13) Distributive share of partnership income subject to the provisions of G. S. 105-142(c);

(14) Income in respect of a decedent, subject to the provisions of G. S. 105-142.1;

(15) Income from an interest in an estate or trust;

(16) Payments made by or on behalf of an employer by reason of death of an employee to the widow or heirs of the employee, subject to certain exclusions as provided in subsection (b) of this Section;

(17) Recovery of bad debts and similar items previously charged off;

(18) Amounts received as reimbursement for losses of such nature as those allowable under subdivision (9) a. and (9) b. of G. S. 105-147 in excess of the adjusted basis of property, subject to the limitations in G. S. 105-144.1; and

(19) Prizes and awards, subject to the exceptions provided in subsection (b) of this Section relating to scholarship and fellowship grants."

(2) Deleting the word "article" from line 2 of subsection (b) and substituting therefor the word "division";

(3) Deleting the word "article" which appears as the last word in subdivision (b)(5) and substituting therefor the word "division".

(4) Rewriting subdivision (b)(10) to read as follows:

"(10) The amounts received as a scholarship at an educational institution (as defined in G. S. 105-135) or as a fellowship grant, including the value of contributed services and accommodations; and the amounts received to cover expenses for travel, research, clerical help, or equipment, which are incident to such scholarship or fellowship grant to the extent that such amounts are exempt for federal income tax purposes under the provisions of Section 117 of the Internal Revenue Code of 1954 as amended."

(5) Rewriting subdivision (b)(11) to read as follows:

"(11) Amounts received by the estate, widow or heirs of an employee paid by or on behalf of one or more employers and paid by reason of death

of any one employee to the extent of five thousand dollars ($5,000.00) with respect to the death of any one employee regardless of the number of employers making such payments, except that such exclusion shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living, except that even though an employee possessed a nonforfeitable right immediately before his death to receive the amounts while living, the exclusion provided in this paragraph will still apply in those cases in which the total distributions are payable within one taxable year of the distributee to such distributee by a pension, profit-sharing, stock bonus or annuity trust qualifying under the provisions of subdivision (f)(1) a. of G. S. 105-161."

"(12) Amounts received by members of the armed forces as hostile fire duty pay which is authorized by Public Law 88-132 enacted by the Congress of the United States on October 2, 1963."

(m) Making the following changes in G. S. 105-141.1:

(1) Deleting the word "article" which appears in line 2 of subsection (a) and substituting therefor the word "division";

(2) Deleting the word "article" which appears in line 4 of subdivision (d)(1) b. and substituting therefor the word "division";

(3) Deleting the word "article" which appears in line 2 of subdivision (e)(1) and substituting therefor the word "division"; and

(4) Deleting the word "article" which appears in line 4 of subdivision (f)(2) and substituting therefor the word "division".

(n) Rewriting G. S. 105-141.2 to read as follows:

"§ 105-141.2. Gross Income-Alimony Payments. Gross income includes amounts received by a wife from her husband or by a husband from his wife as periodic payments under a decree of divorce or separate maintenance, under a written separation agreement, or under a decree requiring support and maintenance to the extent includable in gross income for federal income tax purposes under the provisions of Section 71 of the Internal Revenue Code of 1954 as amended."

(o) Deleting the word "article" wherever the same appears in G. S. 105-141.3 and substituting therefor the word "division".

(p) Making the following changes in G. S. 105-142:

(1) Deleting the word "article" which appears as the last word of subsection (a) and substituting therefor the word "division";

(2) Deleting the reference "G. S. 105-132" from line 8 of subdivision (b)(2) and substituting therefor "G. S. 105-135";

(3) Deleting the word "article" which appears in lines 9 and 20 of subsection (c) and substituting therefor the word "division";

(4) Deleting the reference "G. S. 105-134" from line 17 of subsection (c) and substituting therefor "G. S. 105-130.4";

(5) Deleting the reference "(10) of G. S. 105-138" from line 3 of subsection (e) and substituting therefor "(f)(1)a. of G. S. 105-161";

(6) Deleting from subdivision (g)(2) all that appears after the semicolon in line 10 and before the word "and" in line 17;

(7) Deleting the word "article" from line 1 of subdivision (g)(3)c. and substituting the word "division" therefor; changing the semicolon in

line 3 of that subdivision to a period and deleting the remainder of that subdivision;

(8) Deleting subsection (g)(3)d. in its entirety."

(9) Deleting subsection (d) in its entirety and redesignating the present subsections (e) through (g) as (d) through (f) respectively.

(q) Deleting the word "article" from line 1 of the present subsection (d) of G. S. 105-142.1 and substituting therefor the word "division"; redesignating present subsections (c) and (d) as subsections (d) and (e) respectively and by adding a new subsection (c) to read as follows: "(c) The right, described in subsection (a) of this Section, to receive an amount shall be treated in the hands of the estate of the decedent or any individual who acquires such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or such individual in the transaction in which the right to receive the income was originally derived and the amount includible in gross income under subsections (a) and (b) shall be considered in the hands of the estate or such individual to have the character which it would have had in the hands of the decedent if the decedent had lived and received such amount."

(r) Repealing G. S. 105-143.

(s) Making the following changes in G. S. 105-144:

(1) Deleting the reference "(c1)" in line 2 of subsection (a) and substituting therefor "(c)";

(2) Deleting the word "article" from lines 4 and 5 of subdivision (a)(1) and substituting the word "division" therefor;

(3) Deleting the word "article" from line 4 of subdivision (a)(3)a. and substituting the word "division" therefor;

(4) Deleting the words and symbols "or in subsection (c1)" from line 1 of subsection (b);

(5) Rewriting subsection (c) to read as follows:

"(c) An election as to recognition of gain in certain liquidations of corporations shall be allowed subject to the following:

(1) General Rule. In the case of property distributed in complete liquidation of a corporation, if

a. The liquidation is made in pursuance of a plan of liquidation adopted on or after June 21, 1961; and

b. The distribution is in complete cancellation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month,

then in the case of each qualified electing shareholder (as defined in subdivision (2)) gain on the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subdivision (4).

(2) Qualified Electing Shareholders. For purposes of this Section, the term 'qualified electing shareholder' means an individual who is a shareholder of any class of stock (whether or not entitled to vote on the adoption of such plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subdivision (1) has been made and filed in accordance with subdivision (3),

but only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least eighty per cent (80%) of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(3) Making and Filing of Elections. The written elections referred to in subdivision (2) shall be deemed to have been made and filed if, and only if, such written elections were duly made and filed for federal income tax purposes in conformity with the provisions of § 333 of the 1954 Internal Revenue Code and the regulations thereunder.

(4) Non-Corporate Shareholders. In the case of a qualified electing shareholder other than a corporation.

a. There shall be recognized, and treated as ordinary income, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after January 1, 1921, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subdivision (1), paragraph b., but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

b. There shall be recognized and treated as gain so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or stock or securities acquired by the corporation after December 31, 1962, exceeds his ratable share of such earnings and profits.

(5) Basis of Property Received in Liquidation. If property was acquired by an individual shareholder in the liquidation of a corporation in cancellation or redemption of stock, and with respect to such acquisition gain was realized, but as the result of an election made by a shareholder under this Section the extent to which gain was recognized was determined under this Section, then the basis shall be the same as the basis of the stock cancelled or redeemed in the liquidation, decreased in the amount of any money received by the shareholder, and increased in the amount of gain recognized to him."

(6) Repealing subsections (c1), (d), (e), and (f).

(t) Deleting the word "article" which appears as the last word of subdivision (a)(2)a.2. of G. S. 105-144.1 and substituting therefor the word "division".

(u) Adding the word "and" immediately following the comma which appears at the end of subdivision (d)(2)b. of G. S. 105-144.4; changing the comma which appears after the word "both" in line 3 of subdivision (d)(2)c. of G. S. 105-144.4 to a period; deleting the word "and" which appears as the last word in that subdivision and by repealing subdivision (d)(2)d.

(v) Repealing subdivision (c)(2) of G. S. 105-145 and renumbering subdivisions (3) and (4) of subsection (c) as subdivisions (2) and (3) respectively.

(w) Making the following changes in G. S. 105-147:

(1) Rewriting subdivision (1) c. to read as follows:

"c. As to taxpayers engaged in the business of farming, reasonable expenses paid during the income year for the purpose of soil and water conservation to the extent allowable for federal income tax purposes under the provisions of Section 175 of the Internal Revenue Code of 1954 as amended."

(2) Repealing subdivision (1)(d);

(3) Rewriting subsection (2) to read as follows:

"(2) In the case of an individual, all the ordinary and necessary expenses paid or incurred during the income year for the production or collection of income; for the management, conservation, or maintenance of property held for the production of income; or in connection with the determination, collection or refund of any tax."

(4) Inserting in line 5 of subsection (3) after the word "include" and before the word "tuition" the following: "but shall not be limited to";

(5) Inserting in line 1 of subsection (5) after the word "year" and before the word "except" the following: "on the indebtedness of the taxpayer"; deleting the word "article" in line 3 of subsection (5) and substituting therefor the word "division"; changing the comma at the end of line 3 of subsection (5) to a period and repealing the remainder of subsection (5);

(6) Inserting in line 1 of subdivision (6)a. after the word "Taxes" and before the word "paid" the following: "owed by the taxpayer and"; and deleting the word "article" which appears as the last word in subsection (6) and substituting therefor the word "division";

(7) Deleting from line 7 of subsection (7) the reference "G. S. 105-134" and substituting therefor "G. S. 105-130.4"; deleting from lines 11 through 13 the following: "the allocation ratio determined under the provisions of subdivision or item (6) of G. S. 105-134" and substituting therefor the following: "the allocation fraction determined under the provisions of G. S. 105-130.4"; deleting from the last sentence of the first paragraph of subsection (7) the reference "§ 105-138" and substituting therefor " G. S. 105-130.12"; deleting the words "corporation or" from the last line of the first paragraph of subsection (7); and by repealing the second and third paragraphs of subsection (7);

(8) Rewriting subsection (8) to read as follows: "(8) In the case of an individual, moving expenses paid or incurred during any taxable year beginning on or after January 1, 1967, in connection with the commencement of work by such individual as an employee at a new principal place of work to the extent allowed or allowable for federal income tax purposes under the provisions of Section 217 of the Internal Revenue Code of 1954 as amended.";

(9) Changing the period at the end of subdivision (9)b. to a semicolon and adding the following: "provided, that for the purpose of this subdivision, any loss arising from theft shall be treated as sustained during the taxable year in which the taxpayer discovers such loss.";

(10) Deleting from line 3 of subdivision (9)d. the following "specified in a and b" and substituting therefor "specified in a. and c."; deleting the

word "article" wherever the same appears in subdivisions 2. and 3. of subdivision (9)d. and substituting therefor the word "division"; deleting the reference "G. S. 105-134" in line 13 of subdivision (9)d.3. and substituting therefor "G. S. 105-130.4"; and by deleting the entire second sentence of subdivision (9)d.4.;

(11) Deleting from line 3 of subsection (10) the word "article" and substituting therefor the word "division";

(12) Deleting from line 2 of subdivision (11)b.1. the word "care" and substituting therefor the word "cure";

(13) Rewriting subsection (12) to read as follows: "(12) An allowance for depreciation and obsolescence of property and an allowance for depletion in the case of mines, oil and gas wells, other natural deposits and timber to the extent allowed or allowable for federal income tax purposes under the provisions of the Internal Revenue Code of 1954 as amended; provided, that where joint returns are filed by husband and wife for federal income tax purposes the deduction allowed for additional first year depreciation shall be such amount as would have been allowable if separate federal returns had been filed; and provided further, that where there is a difference in the basis of property for State and federal purposes, such difference shall be taken into account in determining the depreciation, obsolescence or depletion allowable under this subsection.";

(14) Deleting both commas in line 9 and by inserting the word "or" in line 9 of subsection (13) immediately preceding the word "firm"; and deleting from line 10 the words and punctuation "or corporation," which appear immediately preceding the word "claiming";

(15) Rewriting subsection (14) to read as follows:

"(14) An allowance with respect to the amortization of the cost of any emergency facility, as such facility is defined in Section 168 of the Internal Revenue Code of 1954, and an allowance with respect to amortization of the cost of a grain storage facility, as such facility is defined in Section 169 of the Internal Revenue Code of 1954, to the extent allowed or allowable under such provisions for federal income tax purposes";

(16) Inserting the word "and" in line 1 of subsection (15) immediately preceding the word "partnerships"; deleting the words "and corporations" appearing at the end of line 1 and at the beginning of line 2 of subsection (15); inserting the word "and" in line 8 of subsection (15) immediately preceding the word "partnerships"; deleting the words "and corporations" from line 8 of subsection (15); and by deleting from subsection (15) all that appears after the colon in line 21 and before the semicolon in line 34; and substituting the following therefor: "Provided, that in the case of such contributions or gifts by a partnership, such amounts shall not be deductible in determining the net income of the partnership but shall be allocated to each partner on the basis of the ratio used for determining each partner's share of the distributive gain or loss of the partnership, and shall be claimed to the extent allowable on each partner's individual return";

(17) Rewriting subsection (16) to read as follows:

"(16) Contributions or gifts made by individuals, firms, and partnerships within the income year to the State of North Carolina, any of its

institutions, instrumentalities, or agencies, any county or municipality of this State, their institutions, instrumentalities, or agencies, and contributions or gifts made by individuals, firms, and partnerships within the income year to educational institutions located within North Carolina, no part of the net earnings of which inures to the benefit of any private stockholder or individual; provided, that in the case of contributions or gifts by a partnership such amounts shall not be deductible in determining the net income of the partnership but shall be allocated to each partner on the basis of the ratio used for determining each partner's share of the distributive gain or loss of the partnership, and shall be claimed to the extent allowable on each partner's individual return."

(18) Deleting the word "article" from line 1 of subsection (17) and substituting therefor the word "division";

(19) Repealing subdivision (18)c.;

(20) Deleting the words "or corporation" which appear at the end of line 6 and the beginning of line 7 of subsection (19); and deleting the words "or corporation" which appear immediately after the word "person" in line 9 of subsection (19);

(21) Deleting from line 2 of subsection (20) the reference "subdivision (10) of § 105-138" and substituting therefor "subdivision (f)(1)a. of G. S. 105-161"; and

(22) Deleting the word "article" which appears as the last word of the first paragraph of subsection (22) and substituting therefor the word "division".

(x) Deleting the reference "G. S. 105-132" from line 3 of subdivision (a)(2) of G. S. 105-149 and substituting therefor "G. S. 105-135"; deleting from line 9 of subdivision (a)(2) of G. S. 105-149 the word "article" and substituting therefor the word "division"; inserting immediately after the third paragraph of subdivision (a)(5) of G. S. 105-149 a new paragraph to read as follows: "For the purpose of determining the chief support of an individual, other than a son or daughter (natural or adopted) or a stepson or stepdaughter of the taxpayer, over one-half of the support of the individual for the calendar year shall be treated as received from the taxpayer if:

a. No one individual contributed over half of such support;

b. Over half of such support was received from individuals each of whom, but for the fact that he did not contribute over half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

c. The taxpayer contributed over ten per cent (10%) of such support; and

d. Each individual described in paragraph b (other than the taxpayer) who contributed over ten per cent (10%) of such support files a written declaration (in such manner and form as the Commissioner of Revenue may prescribe) that he will not claim such individual as a dependent for any taxable year beginning in such calendar year."; and by repealing the first paragraph of subdivision (a)(6) of G. S. 105-149; and by changing the semicolon in line 7 of subsection (b) to a period and deleting the remainder of said subsection.

(y) Deleting from lines 2 and 3 of subsection (a) of G. S. 105-151 the word "article" and substituting therefor the word "division"; deleting from lines 6, 9, and 10 of subdivision (a)(1) of G. S. 105-151 the word "article" and substituting therefor the word "division"; repealing subsections (b), (c), and (e) of G. S. 105-151 and by renumbering the present subsection (d) as subsection "(b)".

(z) Making the following changes in G. S. 105-152:

(1) Deleting from lines 3 and 5 of subsection (a) and from line 2 of subdivision (a)(5) the word "article" and substituting therefor the word "division";

(2) Repealing subdivision (a)(4);

(3) Deleting from line 1 of subdivision (a)(5) the words "or corporation"; and redesignating the present subdivision (a)(5) as subdivision (a)(4);

(4) Repealing subsections (c) and (f) and by redesignating the present subsections (d) and (e) as subsections (c) and (d) respectively.

(aa) Repealing G. S. 105-153.

(bb) Deleting from lines 11 and 12 of subsection (a) of G. S. 105-154 the following words and punctuation: "above exemptions allowed in this article,"; deleting from lines 3 and 7 of subsection (b) of G. S. 105-154 the word "article" and substituting therefor the word "division"; and by deleting from line 8 of subsection (b) the reference "§ 105-155" and substituting therefor "G. S. 105-236"; by deleting subsection (c) of G. S. 105-154 in its entirety.

(cc) Deleting from the first paragraph of G. S. 105-155 the third sentence which reads, "The return of a corporation reporting on a calendar year basis shall be filed on or before the fifteenth day of March in each year, and the return of a corporation reporting on a fiscal year basis shall be filed on or before the fifteenth day of the third month following the close of the fiscal year."; deleting from the first paragraph of G. S. 105-155 the fifth sentence which reads, "Any corporation which shall dissolve or withdraw from business in this State shall file its return for the then current income year within 75 days after the date of such dissolution or withdrawal."; and by rewriting the portion of the second paragraph of G. S. 105-155 which is enclosed in quotation marks to read as follows: "Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this return, including any accompanying schedules and statements, is true and complete. (If prepared by a person other than taxpaper, his affirmation is based on all information of which he has any knowledge.)"

(dd) Deleting from lines 7 and 9 of G. S. 105-156 the word "article" and substituting therefor the word "division"; and by deleting from line 15 of G. S. 105-156 the words "this article" and substituting therefor "G. S. 105-236".

(ee) Rewriting the caption of G. S. 105-156.1 to read "§ 105-156.1. Effective Dates of 1957 Amendments to Article 4." and by repealing all of G. S. 105-156.1 except the first sentence thereof.

(ff) Deleting from line 2 of G. S. 105-157 the following: "and article 4B"; and by deleting the second and third paragraphs of G. S. 105-157.

(gg) Deleting from line 2 of G. S. 105-159 the word "article" and substituting therefor the word "division"; deleting the second paragraph of G. S. 105-159; and adding a new paragraph at the end of G. S. 105-159 to read as follows: "Nothing in this Section shall be construed as preventing the Commissioner of Revenue from making an assessment immediately following the receipt from any source of information concerning the correction, change in, or determination of net income of a taxpayer by the United States Government. The assessment of tax or additional tax under this Section shall not be subject to any statute of limitations except as provided in this Section."

(hh) Adding a new division to be designated "DIVISION III. INCOME TAX—ESTATES, TRUSTS, AND BENEFICIARIES", to be composed of General Statute Sections 105-160 through 105-163, and to read as follows:

"§ 105-160. Short Title. This division shall be known and may be cited as the Income Tax Act for Estates, Trusts, and Beneficiaries.

"§ 105-161. Estates and Trusts. (a) Imposition of the Tax. The tax imposed by this division shall apply to the taxable income of estates and trusts including:

(1) income accumulated in trust for the benefit of unborn or unascertained individuals or individuals with contingent interest, and income accumulated or held for future distribution under the terms of the will or trust;

(2) income which is to be distributed currently by the fiduciary to the beneficiaries;

(3) income received by estates of deceased individuals during the period of administration or settlement of the estate; and

(4) income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

"(b) Computation and Payment. The net taxable income of an estate or a trust shall be determined in the same manner as provided in Division II of this Article for an individual except as otherwise provided in this Section. The tax shall be at the same rates as provided in G. S. 105-136 for individuals and shall be computed on that portion of undistributed net income of an estate or trust which is for the benefit of a resident of this State, or for the benefit of a nonresident to the extent that such income is derived from an established business or from an investment in tangible property located in this State. The tax so computed shall be paid by the fiduciary responsible for administering the estate or trust.

"(c) Definitions. For the purpose of this Section the words and phrases defined in Division II of Article 4 shall have the same meanings prescribed to them in that division. In addition, the following words and phrases when used in this Section, shall, for the purpose of this Section, have the meanings respectively prescribed to them in this subsection, except in those instances where the context clearly indicates a different meaning:

"(1) Distributable Net Income. The taxable income of the estate or trust computed with the following modifications:

a. No deduction shall be taken under subdivisions (d)(5) and (d)(6) of this Section (relating to additional deductions).

b. No deduction shall be taken under subdivision (d)(7) of this Section (relating to personal exemption).

c. Gains from the sale or exchange of property shall be excluded to the extent that such gains are allocated to corpus and are not (I) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (II) paid, permanently set aside, or to be used for the purposes specified in subdivision (d)(4) of this Section.

"Losses from the sale or exchange of property shall be excluded except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of property which are paid, credited or required to be distributed to any beneficiary during the taxable year.

d. For purposes only of trusts described in subdivision (d)(5) of this Section which are required to distribute current income only, there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and applicable State law.

e. There shall be included any tax-exempt interest to which G. S. 105-141(b)(4) applies, reduced by any amounts which would be deductible in respect of disbursement allocated to such interest but for the provisions of G. S. 105-147(5).

"If the estate or trust is allowed a deduction under subdivision (d)(4) of this Section, the amount of the modifications specified in subdivision (c)(1)e. above shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in subdivision (d)(4) of this Section is deemed to consist of items specified in subdivision (c)(1)e. For this purpose, such amount shall (in the absence of specific provisions in the governing instrument) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

"(2) Income. The term 'income', when not preceded by the words 'taxable', 'distributable net', 'undistributed net', or 'gross', means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable State law. Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable State law shall not be considered income.

"(3) Taxable Income. The term 'taxable income' means the gross income as defined in G. S. 105-141 less the deductions and exemptions allowed by this Section.

"(4) Beneficiary. Any heir, legatee, devisee, and any other person, firm or corporation who acquires under any governing instrument the right to receive income from any estate or trust.

"(d) Deductions. (1) Allowable Deductions. Except as otherwise provided in this Section, the same deductions allowed individuals under G. S. 105-147 shall be allowed in computing the net income of an estate or trust.

"(2) Deduction for Depreciation and Depletion. In case of property held in trust, the deduction for depreciation and depletion shall be apportioned between the income beneficiaries and the trustee in accordance with the instrument creating the trust, or in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable depreciation deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the portion of the income of the estate allocable to each.

"(3) Double Deduction Not Allowed. Amounts allowable under G. S. 105-9 as a deduction in computing the taxable estate of a decedent for inheritance tax purposes shall not be allowed as a deduction in computing the taxable income of the estate, unless there is filed, within the time and in the manner and form prescribed by the Commissioner of Revenue, a statement that the amounts have not been allowed as deductions under G. S. 105-9 and a waiver of the right to have such amounts allowed as deductions under G. S. 105-9. This subdivision shall not apply with respect to deductions allowed under G. S. 105-142.1(e) (relating to income in respect of decedents).

"(4) Amounts Paid or Permanently Set Aside for Charity.

a. Deduction. In determining the net income of an estate or trust for purposes of this Section (other than a trust described in subdivision (d)(5) of this Section), there shall be allowed as a deduction in computing the taxable income of the estate or trust (in lieu of the deductions allowed by G. S. 105-147(15) and (16)) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a religious, charitable, scientific, literary, or educational purpose or for the prevention of cruelty to children or animals, or for a distributee specified in G. S. 105-147(15) or G. S. 105-147(16).

b. Limitation on Deduction.

1. Trade or Business Income. In computing the deduction allowable under paragraph a. of this subdivision to a trust, no amount otherwise allowable under paragraph a. shall be allowable as a deduction with respect to income of the taxable year which is allocable to its unrelated business income for such year. For purposes of the preceding sentence, the term 'unrelated business income' means an amount equal to the amount which, if such trust were exempt from tax under subdivision (f)(1) of this Section, would be computed as its unrelated business taxable income under subdivision (f)(2) of this Section, (relating to income derived from certain business activities).

2. Prohibited Transactions. The amount otherwise allowable under paragraph a. of this subdivision as a deduction shall not be allowable if the trust has engaged in a prohibited transaction. For purposes of this subdivision, the term 'prohibited transaction' means any transaction after the effective date of this subdivision in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in paragraph a. of this subdivision:

(A) lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(B) pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(C) makes any part of its services available on a preferential basis to;

(D) uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth from;

(E) sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(F) engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of a family (including for these purposes brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of fifty per cent (50%) or more of the total combined voting power of all classes of stock of the corporation.

The amount otherwise allowable under paragraph a. of this subdivision as a deduction shall be denied by reason of having engaged in a prohibited transaction only for taxable years after the taxable year during which the trust is notified by the Commissioner of Revenue that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in paragraph a. of this subdivision, and such transaction involved a substantial part of such corpus or income. Provided, that if the deduction of any trust under paragraph a. has been denied as herein provided, such trust, with respect to any taxable year following the taxable year in which notice is received of denial of the deduction under paragraph a., may, in such manner as prescribed by the Commissioner of Revenue, file claim for the allowance of the unlimited deduction under paragraph a., and if the Commissioner of Revenue is satisfied that such trust will not knowingly again engage in a prohibited transaction the denial of the deduction provided herein shall not apply with respect to the taxable years after the year in which such claim is filed.

3. Accumulated Income. If the amounts permanently set aside, or to be used exclusively for the charitable and other purposes described in paragraph a. of this subdivision during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year:

(A) are unreasonable in amount or duration in order to carry out such purposes of the trust;

(B) are used to a substantial degree for purposes other than those prescribed in paragraph a. of this subdivision; or

(C) are invested in such manner as to jeopardize the interests of the religious, charitable, scientific, etc., beneficiaries,

the amount otherwise allowable under paragraph a. of this subdivision shall be limited to the amount actually paid out during the taxable year.

"(5) Deduction for Trusts Distributing Current Income Only.

a. Deduction. In the case of any trust the terms of which provide that all of its income is required to be distributed currently, and do not provide that any amounts are to be paid, permanently set aside, or used for the purposes specified in subdivision (d)(4) of this Section (relating to deduction for charitable, etc., purposes), there shall be allowed as a deduction in computing the taxable income of the trust the amount of the income for the taxable year which is required to be distributed currently. This subdivision shall not apply in any taxable year in which the trust makes distributions other than amounts of income required to be distributed currently.

b. Limitation on the Deduction. If the amount of income required to be distributed currently exceeds the distributable net income of the trust for the taxable year, the deduction shall be limited to the amount of the distributable net income. For this purpose, the computation of distributable net income shall not include items of income which are not included in the gross income of the trust and the deductions allocable thereto.

"(6) Deduction for Estates and Trusts Accumulating Income or Distributing Corpus.

a. Deduction. In any taxable year there shall be allowed as a deduction in computing the taxable income of an estate or trust (other than a trust to which subdivision (d)(5) applies), the sum of:

1. any amount of income for such taxable year required to be distributed currently (including any amount required to be distributed which may be paid out of income or corpus to the extent such amount is paid out of income for such taxable year); and

2. any other amounts properly paid, credited, or required to be distributed for such taxable year. In no case shall this deduction exceed the distributable net income of the estate or trust.

b. Character of Amounts Distributed. The amount determined under subdivision a. shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the estate or trust as the total of each class bears to the total distributable net income of the estate or trust in the absence of the allocation of different classes of income under the specific terms of the governing instrument. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under subdivision (d)(4)) shall be allocated among the items of distributable net income in such manner as may be prescribed by the Commissioner of Revenue.

c. Limitation on the Deduction. No deduction shall be allowed under subdivision a. in respect of any portion of the amount allowed as a deduction under that subdivision (without regard to this subdivision) which is treated under subdivision b. as consisting of any items of distributable

net income which are not included in the gross income for the estate or trust.

d. Exclusions. There shall not be included as amounts falling within subdivision (d)(6) of this Section:

1. Any amount which, under the terms of the governing instrument, is properly paid or credited as a gift or bequest of a specific sum of money or of specific property and which is paid or credited all at once or in not more than three installments. For this purpose, an amount which can be paid or credited only from the income of the estate or trust shall not be considered as a gift or bequest of a specific sum of money.

2. Any amount paid or permanently set aside or otherwise qualifying for the deduction provided in subdivision (d)(4) of this Section.

3. Any amount paid, credited, or distributed in the taxable year, if subdivision (d)(5) or (d)(6) applied to such amount for a preceding taxable year of an estate or trust because credited or required to be distributed in such preceding taxable year.

e. Separate Shares Treated as Separate Trusts. For the sole purpose of determining the amount of distributable net income in the application of subdivision (d)(6) of this Section and subdivision (b) of G. S. 105-162, in the case of a single trust having more than one beneficiary substantially separate and independent shares of different beneficiaries in the trust shall be treated as separate trusts. The existence of such substantially separate and independent shares and the manner of treatment as separate trusts shall be determined as prescribed by the Commissioner of Revenue.

"(7) Deduction for Personal Exemption. The following personal exemption deductions shall be allowed under this Section:

a. An estate shall be allowed a deduction of one thousand dollars ($1,000.00).

b. A trust which, under its governing instrument, is required to distribute all of its income currently shall be allowed a deduction of five hundred dollars ($500.00).

c. All other trusts shall be allowed a deduction of two hundred dollars ($200.00).

"(8) Deductible Dividends. Where dividend income is received by a fiduciary of an estate or trust and is distributed or distributable to a beneficiary during the taxable year so that it is includible in the gross income of the beneficiary for that taxable year, the dividends or the portion of such dividends which would be deductible to an individual under the provisions of subsection (7) of G. S. 105-147 shall be deductible by such beneficiary during that taxable year. If the portion of the dividend income distributable to the beneficiary cannot be determined under the governing instrument, the amount of the deduction by the beneficiary shall be that amount which bears the same ratio to the total of the deductible portion of all dividends received by the estate or trust as the amount of income received by the beneficiary bears to the distributable net income of the estate or trust, except that in no case may the deduction claimed by the beneficiary under this subsection exceed the income distributed or required to be distributed to him from the estate or trust during the taxable year.

"(9) Apportionment of Deductions. Deductions allowable under this Section shall be apportioned between the beneficiaries and the trust or estate in such manner as prescribed by the Commissioner of Revenue unless otherwise provided in this Section.

"(10) The Standard Deduction. The standard deduction allowed individuals under subsection (22) of G. S. 105-147 shall not be allowed an estate or trust.

"(e) Returns. (1) Returns with respect to income taxes, showing therein specifically the items of gross income, the deductions allowed by this Section, and such other facts as the Commissioner of Revenue may require, shall be made for the following:

a. Every estate subject to the tax imposed by this Section the gross income of which for the taxable year is in excess of one thousand dollars ($1,000.00). The return of an estate shall be made by the fiduciary thereof.

b. Every trust having for the taxable year any taxable income subject to the tax imposed by this Section, or having gross income of one thousand dollars ($1,000.00) or over, regardless of the amount of taxable income. The return for a trust shall be made by the fiduciary thereof.

c. Every estate or trust of which any beneficiary is a nonresident when such estate or trust has income subject to tax under this Section.

(2) Every trust claiming a charitable, etc., deduction under subdivision (d)(4) of this Section for the taxable year shall furnish such information with respect to such taxable year as the Commissioner of Revenue may by forms or some other manner prescribe, setting forth:

a. the amount of the charitable, etc., deductions taken under subdivision (d)(4) of this Section within such year (showing separately the amount of such deduction which was paid out and the amount which was permanently set aside for charitable, etc., purposes during such year),

b. the amount paid out within such year which represents amounts for which charitable, etc., deductions under subdivision (d)(4) of this Section have been taken in prior years,

c. the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

d. the amount paid out of principal in the current and prior years for charitable, etc., purposes,

e. the total income of the trust within such year and the expenses attributable thereto, and

f. a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(f) Exempt Trusts.

(1) The following trusts shall be exempt from taxation under this division:

a. Pension, profit sharing, stock bonus and annuity trusts, or combinations thereof, established by employers for the purpose of distributing both the principal and income thereof exclusively to eligible employees, or the beneficiaries of such employees, and so constituted that no part of the corpus or income may be used for, or diverted to, any purpose

other than for the exclusive benefit of the employees or their beneficiaries; provided, there is no discrimination, as to eligibility requirements, contributions or benefits, in favor of officers, shareholders, supervisors, or highly paid employees; provided further, that the interest of individual employees participating therein shall be irrevocable and nonforfeitable to the extent of any contributions made thereto by such employees; and provided further, the Commissioner of Revenue shall be empowered to promulgate rules and regulations regarding the qualification of such trusts for exemption under this subdivision. The exemption of any trust under the provisions of the federal income tax law shall be a prima facie basis for exemption of said trust under this paragraph.

b. Any trust created for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any individual.

(2) Trusts described in subdivision (1) of this subsection shall be subject to the tax provided for in this Section to the following extent: Gross income derived by any of these trusts from any trade or business the conduct of which is not substantially related to the exercise or performance of those functions constituting the basis for its exemption in subdivision (1) of this subsection, less all deductions allowed by this Section directly connected with carrying on such trade or business; provided, this paragraph shall not apply to interest, royalties, dividends, or rent; provided further, this paragraph shall not apply to any trade or business: a. in which substantially all of the work in carrying on such trade or business is performed for the trust without compensation; or b. which is the selling of merchandise, substantially all of which is given to it.

"(g) Tax Credits for Income Taxes Paid to Other States.

(1) If a fiduciary is required to pay income tax to this State for an estate or a trust for which he acts, he shall be allowed a credit against the taxes imposed by this Section for income taxes imposed by and paid to another state or country on income derived from sources within such other state or country in accordance with the formula contained in subdivision (2) of this subsection and the requirements of subdivision (3) of this subsection.

(2) The fraction of the gross income for North Carolina income tax purposes which is derived from sources within and subject to income tax in another state or country shall be ascertained and the North Carolina net income tax before credit under this subsection shall be multiplied by such fraction. The credit allowed shall be either the product thus calculated or the income tax actually paid the other state or country, whichever is smaller.

(3) Receipts showing the payment of income taxes to another state or country and a true copy of a return or returns upon the basis of which such taxes are assessed must be filed with the Commissioner of Revenue at, or prior to, the time credit is claimed. If credit is claimed on account of a deficiency assessment, a true copy of the notice assessing or proposing to assess the deficiency, as well as a receipt showing the payment of the deficiency, must be filed.

(4) If any taxes paid to another state or country for which a fiduciary has been allowed a credit under this Section are at any time credited or refunded to the fiduciary, a tax equal to that portion of the credit allowed for such taxes so credited or refunded shall be due and payable from the fiduciary within 30 days from the date of the receipt of the refund or the notice of the credit. If the amount of such tax is not paid within 30 days of receipt or notice the fiduciary shall be subject to the penalties and interest on delinquent payments provided in G. S. 105-236 and G. S. 105-241.1.

"(h) Time and Place of Filing Returns. Returns required under the provisions of subsection (e) of this Section shall be in such form as the Commissioner of Revenue may prescribe, and shall be filed with the Commissioner at his main office, or at any branch office which he may establish. The return of every fiduciary reporting on a calendar year basis shall be filed on or before the fifteenth day of April in each year, and the return of every fiduciary reporting on a fiscal year basis shall be filed on or before the fifteenth day of the fourth month following the close of the fiscal year. In the case of sickness, absence, or other disability or whenever in his judgment good cause exists, the Commissioner may allow further time for filing these returns.

"(i) Time and Place of Payment of Tax.

(1) The full amount of the tax payable as shown on the face of the return shall be paid to the Commissioner of Revenue at the office where the return is filed at the time fixed by law for filing the return.

(2) The tax may be paid with uncertified check, but if a check so received is not paid by the bank on which it is drawn, the fiduciary by whom such check is tendered shall remain liable for the payment of the tax and for all penalties lawfully imposed.

"(j) Corrections and Changes. For purposes of this Section the provisions of G. S. 105-159 requiring an individual to report changes, corrections, or the determination of net income by the Internal Revenue Service shall apply also to fiduciaries required to file returns for estates and trusts."

"§ 105-162. Beneficiaries of Estates and Trusts.

"(a) Beneficiaries of Trusts Distributing Current Income Only.

(1) Inclusion of Income. Subject to the provisions of subdivision (2) below the amount of income for the taxable year required to be distributed currently by a trust described in G. S. 105-161 (d)(5) shall be included in the gross income of the beneficiaries to whom the income is required to be distributed, whether distributed or not. If such amount exceeds the distributable net income, there shall be included in the gross income of each beneficiary an amount which bears the same ratio to distributable net income as the amount required to be distributed to such beneficiary bears to the amount of income required to be distributed to all beneficiaries.

(2) Character of Amounts. The amounts specified in subdivision (1) above shall have the same character in the hands of the beneficiary as in the hands of the trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the

computation of distributable net income of the trust as the total of each class bears to the total distributable net income of the trust, unless the terms of the trust specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income shall be allocated among the items of distributable net income in the manner prescribed by the Commissioner of Revenue.

(3) Different Taxable Years. If the taxable year of a beneficiary is different from that of the trust, the amount which the beneficiary is required to include in gross income in accordance with the provisions of this subdivision shall be based upon the amount of income of the trust for any taxable year or years of the trust ending with or within his taxable year.

"(b) Beneficiaries of Estates and Trusts Accumulating Income or Distributing Corpus.

(1) Inclusion of Income. Subject to subdivision (2) below, there shall be included in the gross income of a beneficiary to whom an amount specified in G. S. 105-161 (d)(6) is paid, credited, or required to be distributed by an estate or trust described in G. S. 105-161 (d)(6) the sum of the following amounts:

a. The amount of income for the taxable year required to be distributed currently to such beneficiary, whether distributed or not. If the amount of income required to be distributed currently to all beneficiaries exceeds the distributable net income (computed without the deduction allowed by G. S. 105-161 (d)(4) relating to deduction for charitable, etc., purposes) of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to distributable net income (as so computed) as the amount of income required to be distributed currently to such beneficiary bears to the amount required to be distributed currently to all beneficiaries. For purposes of this subdivision, the phrase 'the amount of income for the taxable year required to be distributed currently' includes any amount required to be paid out of income or corpus to the extent such amount is paid out of income for such taxable year.

b. All other amounts properly paid, credited, or required to be distributed to such beneficiary for the taxable year. If the sum of 1. the amount of income for the taxable year required to be distributed currently to all beneficiaries, and 2. all other amounts properly paid, credited, or required to be distributed to all beneficiaries exceeds the distributable net income of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to the distributable net income (reduced by the amounts specified in 1.) as the other amounts properly paid, credited or required to be distributed to the beneficiary bear to the other amounts paid, credited, or required to be distributed to all beneficiaries.

(2) Exclusions. There shall not be included as amounts falling within subdivision (1) above any amounts described in G. S. 105-161(d)(6)d.

(3) Character of Amounts. The amounts determined under subdivision (1) above shall have the same character in the hands of the bene-

ficiary as in the hands of the estate or trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income of the estate or trust unless the terms of the governing instrument specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under G. S. 105-161 (d)(4) (relating to deduction for charitable, etc., purposes)) shall be allocated among the items of distributable net income in the manner prescribed by the Commissioner of Revenue. In the application of this subdivision to the amount determined under subdivision (1) a. above, distributable net income shall be computed without regard to any portion of the deduction under G. S. 105-161 (d)(4) which is not attributable to income of the taxable year.

(4) Different Taxable Years. If the taxable year of a beneficiary is different from that of the estate or trust, the amount to be included in the gross income of the beneficiary shall be based on the distributable net income of the estate or trust and the amounts properly paid, credited, or required to be distributed to the beneficiary during any taxable year or years of the estate or trust ending with or within his taxable year.

"(c) Deduction on Termination of Estate or Trust. If on the termination of an estate or trust, the estate or trust has (1) an unused carryover loss allowable under the provisions of G. S. 105-147(9)d., or (2) for the last taxable year of the estate or trust, deductions (other than the deductions allowable under G. S. 105-161(d)(4) relating to deductions for charitable, etc., purposes, or personal exemption) in excess of gross income for such year, then such losses shall be allowed as a deduction, in such manner as may be prescribed by the Commissioner of Revenue, to the beneficiaries succeeding to the property of the estate or trust in the proportion of their respective shares in the property distributed.

"(d) Definitions. For purposes of this Section the words and phrases defined in G. S. 105-161(c) shall have the same meanings prescribed to them in that subsection.

"(e) Tax Credits for Income Taxes Paid to Other States. A resident beneficiary of an estate or trust who is taxed under the provisions of Division II on income from an estate or trust determined to be includible in his gross income under this Section shall be allowed a credit against such tax for income taxes paid by the fiduciary to another state or country on such income in accordance with the formula contained in subdivision (g)(2) of G. S. 105-161 and the requirements of subdivision (g)(3) of G. S. 105-161; provided, that if any taxes paid to another state or country for which a beneficiary has been allowed credit under this Section are at any time credited or refunded to the beneficiary, a tax equal to that portion of the credit allowed for such taxes so credited or refunded shall be due and payable from the beneficiary within 30 days from the date of receipt of the refund or notice of the credit. If the amount of such tax is not paid within 30 days of receipt or notice the beneficiary shall be subject

to the penalties and interest on delinquent payments provided in G. S. 105-236 and G. S. 105-241.1."

"§ 105-163. Grantor Trusts.

"(a) Trust Income, Deductions, and Credits Attributable to Grantors and Others as Substantial Owners. Where it is specified in this Section that the grantor or another person shall be treated as the owner of any portion of a trust, there shall then be included in computing the taxable income and credits of the grantor or the other person those items of income, deductions, and credits against tax of the trust which are attributable to that portion of the trust to the extent that such items would be taken into account under Division II in computing the taxable income or credits against the tax of an individual. Any remaining portion of the trust shall be taxed in accordance with G. S. 105-161 and G. S. 105-162."

"(b) Reversionary Interests:

(1) The grantor shall be treated as the owner of any portion of a trust in which he has a reversionary interest in either the corpus or the income therefrom if, as of the inception of that portion of the trust, the interest will or may reasonably be expected to take effect in possession or enjoyment within 10 years commencing with the date of the transfer of that portion of the trust.

(2) Subdivision (1) above shall not apply to the extent that the income of a portion of a trust in which the grantor has a reversionary interest is, under the terms of the trust, irrevocably payable for a period of at least two years (commencing with the date of the transfer) to a designated beneficiary, which beneficiary qualifies as the recipient of a gift or contribution under G. S. 105-147(15) or G. S. 105-147(16).

(3) The grantor shall not be treated under subdivision (1) as the owner of any portion of a trust where his reversionary interest in such portion is not to take effect in possession or enjoyment until the death of the individual or individuals to whom the income therefrom is payable.

(4) Any postponement of the date specified for the reacquisition of possession or enjoyment of the reversionary interest shall be treated as a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. However, income for any period shall not be included in the income of the grantor by reason of the preceding sentence if such income would not be so includible in the absence of such postponement.

"(c) Other Powers of the Grantor. The grantor or other person shall be treated as the owner of any portion of a trust in which he has reserved for himself powers other than those described in subsection (b) above to the extent that he is determined to be the owner of such portion under the provisions of Sections 674 through 678 of the Internal Revenue Code of 1954 as amended unless contrary to the context or intent of this division."

Sec. 4. The Income Tax Withholding Article of the Revenue Act, being Article 4A of Subchapter I of Chapter 105 of the General Statutes is hereby amended by:

(a) Deleting from line 3 of G. S. 105-163.10 the reference "G. S. 105-133" and substituting therefor "G. S. 105-136";

(b) Deleting from line 2 of subdivision (b)(2) of G. S. 105-163.11 the reference "G. S. 105-133" and substituting therefor "G. S. 105-136";

(c) Repealing subdivision (b)(1) of G. S. 105-163.11, and redesignating subdivisions (b)(2) through (b)(5) as (b)(1) through (b)(4) respectively;

(d) Deleting from G. S. 105-163.13 all that appears after the colon in line 5 and before the word "Any" in line 11, and substituting the following therefor: "Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this return, including any accompanying schedules and statements, is true and complete. (If prepared by a person other than taxpayer, his affirmation is based on all information of which he has any knowledge.)";

(e) Repealing G. S. 105-163.19, 105-163.20, and 105-163.21.

Sec. 5. Article 4B of Subchapter I of Chapter 105 of the North Carolina General Statutes, relating to the filing of declarations of estimated income tax by corporations is hereby amended by deleting from line 7 of G. S. 105-163.33 the reference "article 4" and substituting therefor "article 9".

Sec. 6. The Sales and Use Tax Article of the Revenue Act, being Article 5 of Chapter 105 of the General Statutes is hereby amended by:

(a) Inserting in line 3 of G. S. 105-164.3(4) immediately after the first comma and immediately before the word "labor" the following: "cash discounts,".

(b) Adding the following sentence at the end of G. S. 105-164.3(5):

"It shall also mean the maintaining in this State, either permanently or temporarily, directly or through a subsidiary, tangible personal property for the purpose of lease or rental."

(c) Inserting immediately after the word "wholesale" and immediately before the words "and who" in line 5 of G. S. 105-164.3(10) the words "outside this State".

(d) Deleting the words "one per cent (1%) of the sales price, and on all such sales on and after July 1, 1962, the tax shall be at the rate of" after the word "of" in line 10 and before the word "one" in line 12 in G. S. 105-164.4(1).

(e) Deleting the words and figure "one per cent (1%)" after the word "of" in line 3 and before the words "of the" in line 4 of the third paragraph of G. S. 105-164.4(1), and substituting therefor the words and figure "one and one-half per cent (1½%)".

(f) Deleting the words "and on and after July 1, 1962, at the rate of one and one-half per cent (1½%) of the sales or purchase price," after the word "State" in line 8 and before the word "but" in line 9 in the third paragraph of G. S. 105-164.4(1).

(g) Rewriting G. S. 105-164.6(4) to read as follows:

"(4) Where a retail sales tax has already been paid with respect to said tangible personal property in this State by the purchaser thereof, said tax shall be credited upon the tax imposed by this part. Where a retail sales or use tax has been paid with respect to said tangible personal property in another state by the purchaser thereof for storage, use or consumption in this State, said tax shall be credited upon the tax imposed by this part. If the amount of tax paid to another state is less than the

amount of tax imposed by this part, the purchaser shall pay to the Commissioner an amount sufficient to make the tax paid to the other state and this State equal to the amount imposed by this part. The Commissioner of Revenue shall require such proof of payment of tax to another state as he deems to be necessary and proper."

(h) Rewriting the third and fourth sentences of subsection (b) of G. S. 105-164.14 to read as follows:

"The refund provisions contained in this subsection shall not apply to organizations, corporations and institutions which are governmental agencies, owned and controlled by the federal, State or local governments; provided that hospitals and medical accommodations operated by an authority created under the Hospital Authorities Law, Article 12 of Chapter 131 of the General Statutes of North Carolina, shall not be excluded from the refund provisions contained in this subsection. In order to receive the refund herein provided for, such institutions and organizations shall file a written request for said refund on or before the fifteenth day of April following the close of each calendar year, and such request or requests for refund shall be substantiated by such proof as the Commissioner of Revenue may require, and no refund shall be made on applications not filed within the time allowed by this Section and in such manner as the Commissioner may otherwise require."

(i) Rewriting the first paragraph of G. S. 105-164.16 to read as follows:

"The taxes levied under the provisions of this Article shall be due and payable in monthly installments on or before the 15th day of the month next succeeding the month in which the tax accrues, except as otherwise provided herein. Every taxpayer liable for the tax imposed by this Article shall on or before the fifteenth day of the month next succeeding the month in which the tax accrues make out, prepare and render a return on the form prescribed by the Commissioner, containing a true and correct statement showing the total gross sales, accompanied by an itemized statement showing the amount of sales in each group of exemptions and exclusions covered by G. S. 105-164.13 which are not subject to the tax or are not used as a measurement of the taxes due by such taxpayer together with such other information as the Commissioner may require and at the time of making such monthly return such taxpayer shall compute the taxes due and shall pay to the Commissioner the amount of taxes shown to be due. When the total amount of tax for which a taxpayer is liable for any month is consistently less than five dollars ($5.00), such taxpayer may file a quarterly return with remittance of tax in lieu of a monthly return on or before the fifteenth day of January, April, July, and October of each year for the preceding three months' period upon making application to the Commissioner to use such basis of filing. Returns shall be signed by the retailer or his duly authorized agent."

(j) Rewriting G. S. 105-164.17 to read as follows:

"§ 105-164.17. Reports and Payment of Use Tax. Every person storing, using or consuming tangible personal property in this State shall file with the Commissioner a return for the preceding month or quarter, as provided in G. S. 105-164.16 of this Article, in such form as may be prescribed by him showing the total cost price of the tangible personal

property purchased or received by such person during such preceding month or quarter, the storage, use or consumption of which is subject to the tax imposed by this Article and such other information as the Commissioner may deem necessary for the proper administration of this Article. The returns shall be accompanied by a remittance of the amount of tax herein imposed during the month or quarter covered by the return. Returns shall be signed by the person liable for the tax or his duly authorized agent."

(k) Inserting immediately after the word "monthly" and immediately before the word "remittance" in line 9 of G. S. 105-164.21 the words "or quarterly".

(l) Inserting immediately after the word "monthly" and immediately before the word "return" both in lines 2 and 5 of G. S. 105-164.41 the words "or quarterly".

Sec. 7. Gift Taxes. Article 6 of Chapter 105, relating to gift taxes is hereby amended by rewriting subsection (a) of Section 105-188.1 to read as follows:

"(a) For purposes of this Article 'general power of appointment' shall mean any power of appointment which is exercisable in favor of the individual possessing the power (hereinafter in this Section referred to as the 'possessor'), his estate, his creditors, or the creditors of his estate; except that:

1. A power to consume, invade, or appropriate property for the benefit of the possessor which is limited by an ascertainable standard relating to the health, education, support or maintenance of the possessor shall not be deemed a general power of appointment.

2. In the case of a power of appointment which is exercisable by the possessor only in conjunction with another person:

a. If the power is not exercisable by the possessor except in conjunction with the creator of the power, such power shall not be deemed a general power of appointment.

b. If the power is not exercisable by the possessor except in conjunction with a person having a substantial interest, in the property subject to the power, which is adverse to exercise of the power in favor of the possessor, such power shall not be deemed a general power of appointment. For the purposes of this clause a person who, after the death of the possessor, may be possessed of a power of appointment (with respect to the property subject to the possessor's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the possessor's power.

c. If (after the application of clauses a. and b.) the power is a general power of appointment and is exercisable in favor of such other person, such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the possessor) in favor of whom such power is exercisable.

d. For purposes of clauses b. and c., a power shall be deemed exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate."

Sec. 8. Article 8C of Subchapter I of Chapter 105 of the North Carolina General Statutes is hereby amended by rewriting G. S. 105-228.16 to read as follows:

"§ 105-228.16. Deductions From Gross Income. In computing entire net income there shall be allowed as deductions the following items:

(1) All ordinary and necessary expenses paid or accrued during the taxable year.

(2) Rental expense paid or accrued during the taxable year.

(3) All unearned discount and interest paid during the taxable year except interest paid in connection with income exempt from taxation under this Article and except interest deemed excessive under G. S. 105-130.6.

(4) Taxes paid or accrued except taxes based on net income, taxes assessed for local benefit of a kind tending to increase the value of the property assessed and any other taxes not deductible for corporate income tax purposes under the provisions of Division I of Article 4.

(5) Dividends received from stock issued by any corporation to the extent provided in G. S. 105-130.7.

(6) Net economic losses to the extent provided in G. S. 105-130.8 and other losses as provided in Division I of Article 4.

(7) Loans or debts ascertained to be worthless and actually charged off during the taxable year, if connected with business and if the amount has previously been included in gross income in a return under this Article; or, in the discretion of the Commissioner of Revenue, a reasonable addition to a reserve for bad debts. Provided, that amounts which are deductible for federal income tax purposes shall be prima facie allowable hereunder.

(8) A reasonable allowance for depreciation and obsolescence to the extent provided for corporation income tax purposes in Division I of Article 4.

(9) Contributions to religious, charitable, educational, literary and like organizations to the extent provided in subdivision (1) of G. S. 105-130.9.

(10) Contributions to the State of North Carolina, any of its institutions, instrumentalities, agencies, or political subdivisions, and contributions to educational institutions located within North Carolina as provided in subdivision (2) of G. S. 105-130.9.

(11) Reasonable contributions to qualified employees' pension trusts within the taxable year.

(12) Premiums paid by banks upon the purchase of bonds to the following extent:

(a) Amortization of bond premiums on tax-exempt bonds shall be mandatory for all taxpayers. Amortization for the taxable year shall be accomplished by lowering the basis or adjusted basis of the bond, with no deduction against gross income for the year.

(b) Amortization of bond premiums on taxable bonds shall be elective for all taxpayers. The amortizable premium for the taxable year may be deducted from gross income only if an adjustment is made to the basis of the bond.

(c) For purposes of this subsection, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness issued by any corporation and bearing interest and includes any like obligation issued by any government or political subdivision thereof.

(13) Interest upon the obligations of the State of North Carolina or a political subdivision thereof received or accrued during the taxable year. Provided, that the deduction of accrued interest shall be permitted only if the taxpayer has included accrued income in his gross income for the taxable year. Provided further, that in the event that any court of competent jurisdiction shall rule that the deduction of the interest of the obligations of the State of North Carolina or a political subdivision thereof from the base of the tax levied by this Article violates the Constitution of this State or the Constitution of the United States, such deduction shall be disallowed and such interest shall be included in the entire net income of the taxpayer.

(14) Reasonable payments made to the beneficiaries or to the estate of a deceased employee, paid by reason of the death of the employee to the extent provided for corporate income tax purposes in Division I of Article 4.

(15) Deduction of accrued expenses, contributions, taxes, rental expense, or interest expense shall be subject to the limitations imposed upon corporate income taxpayers by Article 4."

Sec. 9. Article 9 of Subchapter I of Chapter 105 of the North Carolina General Statutes is hereby amended by:

(a) Amending G. S. 105-236 as follows:

(1) Rewriting subparagraph (5) to read as follows:

"(5) Negligence. For negligent failure to comply with any of the provisions of this subchapter, or rules and regulations issued pursuant thereto, without intent to defraud, there shall be assessed, as a penalty, an additional tax of ten per cent (10%) of the deficiency due to such negligence; provided, that in the case of income tax, if gross income is understated by as much as twenty-five per cent (25%), or deductions, exclusive of personal exemptions, are overstated by as much as twenty-five per cent (25%) of gross income, or if there is a combination of understatement of gross income and overstatement of deductions, exclusive of personal exemptions, equaling twenty-five per cent (25%) of gross income, there shall be assessed, as a penalty, an additional tax equal to twenty-five per cent (25%) of the total deficiency; provided further, that in the case of sales and use taxes, if it is established that the total tax liability is understated by twenty-five per cent (25%) or more as a result of any

(a) omission or understatement of gross sales, gross receipts or gross purchases;

(b) overstatement of exemptions or deductions;

(c) incorrect application of a lesser rate of tax; or

(d) any combination of the foregoing; there shall be assessed as a penalty an additional tax equal to twenty-five per cent (25%) of the total deficiency. If a penalty is assessed under subdivision (6) of this Section, no additional penalty for negligence shall be assessed with respect to the same deficiency."

(2) Adding at the end of subparagraph (7) the following: "Notwithstanding any other provisions of law or any other statute of limitations, no prosecution for any violation brought hereunder shall be barred before the expiration of three years from the date of such violation.";

(3) Inserting in line 3 of subparagraph (7) following the comma and preceding the word "or" the following: "Subchapter V, or Chapter 18 of the General Statutes,";

(4) Inserting in the catch line of subparagraph (8) following the word "Collect" and preceding the word "or" the following: ", Withhold,"; and by inserting in line 2 of subparagraph (8) following the first comma and preceding the word "account" the following: "withhold,";

(5) Striking from line 1 of subparagraph (11) the words "The failure to do any act required by or under"; and inserting in lieu thereof the following: "Any violation of"; and by striking from line 2 the words "or by" which appear immediately following the comma and preceding the word "subchapter".

(b) Striking from line 5 of the second paragraph of G. S. 105-241.4 the words "under protest" which appear immediately following the word "tax" and immediately preceding the word "and".

Sec. 10. Chapter 18 of the North Carolina General Statutes relating to the regulation of intoxicating liquors is hereby amended by deleting all that appears after the word "of" in line 7 of subdivision (1) of G. S. 18-73 and before the word "subsection" in line 9 of subdivision (1) of G. S. 18-73.

Sec. 11. Chapter 53A of the General Statutes of North Carolina, relating to Business Development Corporations is hereby amended by rewriting subsection (e) of § 53A-15 to read as follows:

"(e) In computing entire net income there shall be allowed as deductions the following items:

(1) All ordinary and necessary expenses paid or accrued during the taxable year.

(2) Rental expense paid or accrued during the taxable year.

(3) All unearned discount and interest paid during the taxable year except interest paid in connection with income exempt from taxation under Article 4 of Chapter 105 of the General Statutes and except interest deemed excessive under G. S. 105-130.6.

(4) Taxes paid or accrued except taxes based on net income, taxes assessed for local benefit of a kind tending to increase the value of the property assessed and any other taxes not deductible for corporate income tax purposes under Division I of Article 4 of Chapter 105 of the General Statutes.

(5) Dividends received from stock issued by any corporation to the extent provided in G. S. 105-130.7.

(6) Net economic losses to the extent provided in G. S. 105-130.8 and other losses as provided in Division I of Article 4 of Chapter 105 of the General Statutes.

(7) Loans or debts ascertained to be worthless and actually charged off during the taxable year, if connected with business and if the amount has previously been included in gross income in a return under this Section;

or, in the discretion of the Commissioner of Revenue, a reasonable addition to a reserve for bad debts. Provided, that amounts which are deductible for federal income tax purposes shall be prima facie allowable hereunder.

(8) A reasonable allowance for depreciation and obsolescence to the extent provided for corporation income tax purposes in Division I of Article 4 of Chapter 105 of the General Statutes.

(9) Contributions to religious, charitable, educational, literary and like organizations to the extent provided in subdivision (1) of G. S. 105-130.9.

(10) Contributions to the State of North Carolina, any of its institutions, instrumentalities, agencies, or political subdivisions, and contributions to educational institutions located within North Carolina as provided in subdivision (2) of G. S. 105-130.9.

(11) Reasonable contributions to qualified employees' pension trusts within the taxable year; provided, exemption of any such trust under the federal income tax laws shall constitute prima facie evidence that it is a "qualified employees' pension trust" within the meaning of this subdivision.

(12) Premiums paid upon the purchase of bonds to the following extent:

(a) Amortization of bond premiums on tax-exempt bonds shall be mandatory for all taxpayers. Amortization for the taxable year shall be accomplished by lowering the basis or adjusted basis of the bond with no deduction against gross income for the year.

(b) For purposes of this subsection, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness issued by any corporation and bearing interest and includes any like obligation issued by any government or political subdivision thereof.

(13) Interest upon the obligations of the State of North Carolina or a political subdivision thereof received or accrued during the taxable year. Provided, that the deduction of accrued interest shall be permitted only if the taxpayer has included accrued income in his gross income for the taxable year. Provided further that in the event that any court of competent jurisdiction shall rule that the deduction of the interest of the obligations of the State of North Carolina or a political subdivision thereof from the base of the tax levied by this Article violates the Constitution of this State or the Constitution of the United States, such deduction shall be disallowed and such interest shall be included in the entire net income of the taxpayer.

(14) Reasonable payments made to the beneficiaries or to the estate of a deceased employee, paid by reason of the death of the employee to the extent provided for corporate income tax purposes in Division I of Article 4 of Chapter 105 of the General Statutes.

(15) Deduction of accrued expenses, contributions, taxes, rental expense, or interest expense shall be subject to the limitations imposed upon corporate income taxpayers by Article 4 of Chapter 105 of the General Statutes."

Sec. 12. Article 3 of Chapter 119 of the General Statutes of North Carolina relating to Gasoline and Oil Inspection is hereby amended by:

(a) Adding a new Section immediately following G. S. 119-16.1 and immediately preceding G. S. 119-17, to be designated as G. S. 119-16.2, and to read as follows:

"§ 119-16.2. Application for License. Any person, firm or corporation having in his possession kerosene on which the inspection fee has not been paid, and who is not required to be licensed under the provisions of G. S. 105-433, shall, prior to the commencement of doing business, file a duly acknowledged application for a license with the Commissioner of Revenue on a form prescribed by the Commissioner setting forth the name under which such distributor transacts or intends to transact business within this State, the address of each place of business and a designation of the principal place of business. If such distributor is a firm or association, the application shall set forth the name and address of each person constituting the firm or association, and if a corporation, the names and addresses of the principal officers and such other information as the Commissioner of Revenue may require. Each distributor shall at the same time file a bond in such amount, not exceeding twenty thousand dollars ($20,000.00) in such form and with such surety or sureties as may be required by the Commissioner of Revenue, conditioned upon the rendition of the reports and the payment of the tax hereinafter provided for. Upon approval of the application and bond, the Commissioner of Revenue shall issue to the distributor a nonassignable license with a duplicate copy of each place of business of said distributor in this State, a copy of which shall be displayed conspicuously at each such place of business and shall continue in force until surrendered or cancelled. No distributor shall sell, offer for sale, or use any kerosene within this State, until such license has been issued. Any distributor failing to comply with or violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ($100.00), nor more than five thousand dollars ($5,000.00), or imprisoned for not more than 24 months or both."

(b) Adding the following sentence at the end of the second paragrah of G. S. 119-18: "Distributors of kerosene licensed under G. S. 119-16.2 shall file reports as required by the Commissioner of Revenue, by not later than the twentieth of each month, and remit to the Commissioner of Revenue one quarter of a cent (¼ of 1¢) inspection fee per gallon on all kerosene received during the preceding month."

(c) Inserting immediately after the symbol and numerals "§ 105-433," in line 5 of G. S. 119-19 the word and numerals "or § 119-16.2"; and by striking out the period at the end of that paragraph and by adding the word and numerals "or § 119-16.2."

Sec. 13. The Intangibles Tax Article, being Article 7 of Chapter 105 of the North Carolina General Statutes is hereby amended by:

a. Deleting from line 13 of G. S. 105-212 the reference "105-138, subdivision (10)" and substituting therefor "105-161(f)(1)a."

Sec. 14. The Special Fuels Tax Article, being Article 36A of Chapter 105 of the General Statutes is hereby amended by:

a. Adding at the end of G. S. 105-449.20 the following: "In all cases where a user-seller actually sells or uses an amount in addition to that reported to the Commissioner as having been purchased from a supplier

licensed under this Article proof of such additional sales or use shall constitute prima facie evidence that all fuel in excess of that so reported was acquired tax-free."

b. Adding at the end of G. S. 105-449.21 the following: "Each user-seller shall at the time of rendering such statement pay to the Commissioner the tax or taxes for the preceding calendar month which may be due because of fuel imported or acquired tax-free in any manner whatsoever."

Sec. 15. Article 36B of Chapter 105 of the General Statutes of North Carolina relating to Highway Fuel Use Tax is hereby amended by deleting the words and figures "in the amount of ten thousand dollars ($10,000.00)" immediately after the word "bond" in line 2 and immediately before the word "payable" in lines 2 and 3 of G. S. 105-449.40 and substituting in lieu thereof the following: "in an amount no less than five hundred dollars ($500.00) nor more than ten thousand dollars ($10,000.00)". Article 36B of Chapter 105 of the General Statutes of North Carolina is further amended by adding a new Section to be designated "§ 105-449.24" and to read as follows:

"§ 105-449.24. Exemptions, Rebates, and Refunds. The provisions of G. S. §§ 105-439, -446.1, and -449 relating to exemptions from, and rebates and refunds of tax levied on gasoline shall also apply to the taxes levied by this Article on special fuels."

Sec. 16. This Act shall not affect the liability of any taxpayer arising prior to the effective date of the applicable Section hereof.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. Sections 1, 6, 7, 9, 10, 12, 13 and 14 of this Act shall be effective from and after July 1, 1967. Section 2 of this Act shall become effective July 1, 1968, and shall apply to all returns due on or after that date. Sections 3, 4, 5, 8, and 11 of this Act shall be effective and shall apply to all taxable years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 482 CHAPTER 1111

AN ACT AMENDING CHAPTER 58 OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO PROVIDE FOR AND PERMIT THE ADOPTION OF A VOLUNTARY PLAN WHEREBY ADEQUATE FIRE AND EXTENDED COVERAGE INSURANCE WILL BE OFFERED AND MADE AVAILABLE TO OWNERS OF PROPERTY IN THE COASTAL AREA OF THE STATE, AND IN THE ABSENCE OF SUCH A VOLUNTARY PLAN TO PERMIT THE COMMISSIONER OF INSURANCE TO FORMULATE A FAIR AND EQUITABLE PLAN TO PROVIDE FOR ADEQUATE FIRE AND EXTENDED COVERAGE IN SUCH AREA.

WHEREAS, the business of insurance has been declared to be a business affected with and affecting the public interest of this State; and

WHEREAS, it has come to the attention of the General Assembly that along the several coastal counties of North Carolina that many owners

of property in such area have been unable, and are now unable to procure adequate insurance coverage against the risks of fire and extended coverage; and

WHEREAS, it appears that such situation has existed for several years and is due to a measurable extent to the reluctance and refusal of a substantial number of companies licensed in this State to write fire and extended coverage insurance upon such property; and

WHEREAS, it appears that in many instances the refusal to write, the refusal to renew, or the cancellation of policies, is without good and just cause, and is based on restricted and stringent underwriting procedures; and

WHEREAS, the reluctance and refusal of some of the licensed insurers of this State to offer adequate coverage in the coastal county area has, in the past, and is now tending to impede the normal economic growth and well-being of such area; and

WHEREAS, the entire State of North Carolina is in some measure affected by this impediment to growth and well-being; and

WHEREAS, this matter is of such serious nature that it requires and demands remedial legislation: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding thereto a new Article immediately after the present Article 18 and immediately before the present Article 19, to be designated as "Article 18A", and reading as follows:

"ARTICLE 18A.

"Fire and Extended Coverage for Beach Area Property.

"§ 58-173.1. Fire and Casualty Companies to Submit Plan to Commissioner for Fire and Extended Coverage; Commissioner to Formulate Plan if None Submitted or Approved. The Commissioner of Insurance, after consultation with representatives of insurance carriers licensed to write fire and extended coverage insurance in this State, shall consider for approval a reasonable plan and procedures which such insurance carriers may submit to him for the voluntary writing of fire and extended coverage in the 'beach area' of the 'seacoast territory (Zone 1)' as hereinafter defined in this Article, and after a public hearing.

"The Commissioner of Insurance may, approve any such plan and procedures thus submitted to him, if he finds such plan and procedures to be adequate for the purposes of this Act. In the event no plan is approved by the Commissioner of Insurance, or in the event no plan is submitted by the insurance carriers, the Commissioner of Insurance, in the exercise of his discretion, and after a public hearing, shall formulate and put into effect a reasonable plan and procedures for the writing of fire and extended coverage insurance upon insurable properties in the 'beach area'. For the purposes of this Section, an insurable risk is one which meets the standards of insurability prevailing throughout the insurance industry for fire and extended coverage as it relates to 'beach properties'.

"§ 58-173.2. Companies to Report Rejection of Application for Fire and Extended Coverage and to Report Cancellation of Existing Policies Giving Reasons. Every licensed insurer writing fire and extended coverage in the State of North Carolina, upon its cancellation of or refusal to write or renew any policy of fire and extended coverage insurance upon property located in the 'beach area', as the same is hereinafter defined, shall, within 20 days of such cancellation or refusal to write or renew, furnish to the North Carolina Commissioner of Insurance a written report stating that it has cancelled, refused to write or renew fire or extended coverage on the property in question, giving the name and address of the applicant or policyholder, the location and description of the risk, along with an explanation giving the actual reason or reasons for its cancellation, refusal to write or renew such policy of insurance.

"Such report and explanation shall be privileged, and shall not constitute grounds for any cause of action against the insurer, its representative, or any person, firm or corporation, who in good faith furnishes to the Commissioner of Insurance the information upon which the reasons are based.

"Provided, however, that such reports shall not be required in the case of policies which are cancelled or nonrenewed for nonpayment of premium, transfer of ownership of property, cancellation by insured, termination of agency, change of insurance to other companies, and other reasons acceptable to the Commissioner of Insurance. Written reports of refusal to write which are filed with the North Carolina Fire Insurance Rating Bureau under the terms of a voluntary plan approved by the Commissioner of Insurance shall be deemed to comply with the requirements of this Section, provided such reports are filed in duplicate and one copy thereof is submitted to the Commissioner of Insurance.

"§ 58-173.3. Agents to Report to Commissioner of Insurance Failure to Take and Submit Applications. Every insurance agent licensed to write fire and extended coverage insurance in the State, who shall refuse to take and submit an application for fire and extended coverage insurance to an insurer for whom he is licensed, upon property within the 'beach area', as hereinafter defined, must, if requested in writing by the policyholder or applicant for insurance, within 20 days of such refusal to take and submit the application, furnish to the North Carolina Commissioner of Insurance a written report giving the name and address of the applicant, the location and description of the risk and an explanation of the actual reason or reasons for the refusal to take and submit the application. Such report and explanation shall be privileged and shall not constitute grounds for any cause of action against the agent, or any person, firm or corporation who in good faith furnishes to the Insurance Commissioner the information upon which the reasons are based in compliance with this Section.

"§ 58-173.4. Commissioner of Insurance to Make Periodic Reports to the Legislative Research Commission with Respect to Fire and Extended Coverage Insurance in the 'Beach Area'. When a voluntary plan as provided in this Article, or in the absence of a voluntary plan, any plan formulated by the Commissioner of Insurance shall be put into effect, the Com-

missioner of Insurance may make periodic reports to the Legislative Research Commission concerning the results of the plan, the amount of fire and extended coverage insurance written with respect to property in the 'beach area' and any other information which may be useful to the Legislative Research Commission. The Commissioner of Insurance may at the request of the Legislative Research Commission, make such supplemental reports and submit such supplemental data concerning the success of any plan adopted as may be requested by the Legislative Research Commission. For the purpose of the reports which may be filed hereunder, the Commissioner of Insurance may require the North Carolina Fire Insurance Rating Bureau to furnish such pertinent data and statistics in such manner and on such forms as he may approve.

"§ 58-173.5. Companies to Report on Fire and Extended Coverage Insurance in All Zones of North Carolina at Least Annually. Every licensed insurer writing fire and extended coverage insurance in the State of North Carolina, except any town or county mutual insurance association as is authorized by G. S. 58-77(5)d., shall on or before July first of each year file with the North Carolina Commissioner of Insurance a comprehensive and detailed report, which report shall, among other things, disclose: (1) the amount of insurance written by such insurer and the number of risks it has insured against fire and extended coverage in the 'beach area' within the State of North Carolina; and (2) the gross insurance premiums by zones and 'beach area' collected for the insurance or renewal of fire and extended coverage insurance in each zone and the 'beach area' within the State of North Carolina.

"Licensed insurers writing fire and extended coverage insurance in the State of North Carolina and required to report under this Section may adopt a form for the purpose of reporting the information required by this Section, which form shall be subject to the approval of the North Carolina Commissioner of Insurance.

"§ 58-173.6. Definition of 'Beach Area'. 'Beach area' as used in this Article shall consist of the following areas within the State of North Carolina: All localities South and East of the Inland Waterway from the South Carolina line to Fort Macon (Beaufort Inlet), thence South and East of Core, Pamlico, Roanoke and Currituck Sounds to the Virginia line, being those portions of land generally known as the Outer Banks.

"§ 58-173.7. Definition of 'Seacoast Territory (Zone 1)'. 'Seacoast territory (Zone 1)' as used in this Article shall consist of the following counties: Beaufort, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Hyde, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington.

"§ 58-173.8. Commissioner of Insurance Authorized to Promulgate Reasonable Rules and Regulations. The Commissioner of Insurance shall have authority to make reasonable rules and regulations, not inconsistent with the law, to enforce, carry out and make effective the provisions of this Article. The Commissioner of Insurance shall also have authority to propose and promulgate reasonable regulations with respect to any voluntary plan adopted pursuant to the provisions of this Article. The Commissioner of Insurance shall not be liable for any act or omission in

connection with the administration of the duties imposed upon him by the provisions of this Article, except upon proof of malfeasance."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. This Act shall not apply with respect to any policy or policies of fire or extended coverage insurance already in existence covering property in the 'beach area', but the same shall be applicable to policies of insurance which are written or renewed on or after the adoption of a plan pursuant to the provisions of this Act.

Sec. 4. This Act shall become effective from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 624 CHAPTER 1112

AN ACT TO REPEAL CHAPTER 1209 OF THE SESSION LAWS OF 1957 RELATING TO THE ELECTION OF SCHOOL PRINCIPALS IN POLK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 1209 of the Session Laws of 1957 is hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 710 CHAPTER 1113

AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE HENDERSON COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Henderson County shall consist of seven members who shall be elected by the qualified voters of the entire county. The election shall be nonpartisan and shall be held at the same time as the regular primary election is held for county officers. The election shall be held and conducted insofar as is practicable by the County Board of Elections in accordance with the general election laws of the State, except as otherwise provided herein.

Sec. 2. All candidates shall file for office within the time required by law for county officers to file in primaries. No filing fee shall be required. The names of all persons filing for membership on the Henderson County Board of Education shall be placed on the ballot without party designation.

Sec. 3. The terms of office of William McKay and Mrs. J. O. Bell, members of the present Henderson County Board of Education, which ex-

pire in April, 1969 are hereby extended to the first Monday in December of 1970 or until their successors qualify. The terms of office of L. C. Youngblood and Robert Greer, members of the present Henderson County Board of Education, which expire in April, 1971 are hereby extended to the first Monday in December, 1972, or until their successors qualify. The terms of office of J. T. Fain, Jr., Boyce A. Whitmire, and Harvey A. Gale which expire in April, 1973 are extended to the first Monday in December, 1974, or until their successors qualify.

Sec. 4. In the election held in 1970 the two persons receiving the highest number of votes shall be declared elected, and no person shall be entitled to call for a second election. In the election held in 1972 the two persons receiving the highest number of votes shall be declared elected, and no person shall be entitled to call for a second election. In the election held in 1974 the three persons receiving the highest number of votes shall be declared elected, and no person shall be entitled to call for a second election.

Sec. 5. All persons elected pursuant to this Act shall serve for terms of six years or until their successors are elected and qualify, and shall take office on the first Monday in December following their election.

Sec. 6. Biennially, after 1974, there shall be held an election for the three or two vacancies, as the case may be, occurring on said Board.

Sec. 7. Any vacancy occurring on the present Henderson County Board of Education, or on any subsequent Board, by death, resignation, or otherwise, shall be filled by the remaining members of the Board, and the person so chosen shall fill and serve out the unexpired term and until his successor shall be elected and qualify.

Sec. 8. At the first meeting of the Henderson County Board of Education held after December 1, 1970, and biennially thereafter, the members of said Board shall elect one of its members as Chairman, who shall serve for a period of two years.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 117

CHAPTER 1114

AN ACT DESIGNATING CERTAIN CREEKS AND RIVERS IN JONES, CARTERET AND ONSLOW COUNTIES AS COMMERCIAL FISHING WATERS.

The General Assembly of North Carolina do enact:

Section 1. Article 25 of Chapter 113, as the same appears in Replacement 1966 Volume 3A of the General Statutes, is hereby amended by adding a new Section thereto, to be numbered G. S. 113-322 and to read as follows:

"G. S. 113-322. Certain River Designated as Commercial Fishing Waters.

"Section 1. Notwithstanding any other provision of this Chapter, or any rule, regulation, or administrative decision of Commission, the following described areas are hereby made and designated commercial fishing waters:

"(a) White Oak River, from the point where Stella Bridge crosses said river, to Grants Creek."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 498 CHAPTER 1115

AN ACT TO MAKE AVAILABLE THE SERVICES OF AN ASSISTANT ATTORNEY GENERAL FOR THE INSURANCE DEPARTMENT, AND TO MAKE APPROPRIATIONS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The Attorney General is hereby authorized to appoint an Assistant Attorney General, in addition to those now provided by law, to be assigned to the Commissioner of Insurance and the State Insurance Department. Such Assistant Attorney General shall perform such additional duties as may be assigned to him by the Attorney General, and shall otherwise be subject to all provisions of the statutes relating to Assistant Attorneys General. The salary of said Assistant Attorney General and a secretary shall be paid from funds appropriated to the Insurance Department.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 749 CHAPTER 1116

AN ACT AMENDING G. S. 105-164.4, RELATING TO SALES TAX TO PROVIDE THAT BOATS SHALL BE SUBJECT TO THE SAME GROSS SALES TAX AS IS NOW IMPOSED ON AIRPLANES, RAILROAD LOCOMOTIVES, RAILROAD CARS AND MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (1) of G. S. 105-164.4 is hereby amended by inserting the words "or boat" on lines 10 and 15 of the first paragraph thereof immediately after the words "motor vehicle" and immediately before the comma (,) in lines 10 and 15.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 996 CHAPTER 1117

AN ACT TO AUTHORIZE THE NORTH CAROLINA BOARD OF WATER RESOURCES TO ESTABLISH A SYSTEM OF REPORTING WATER USE INFORMATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-355 is amended by adding at the end thereof the following:

"(k) Water Use Information. Any person using, withdrawing, diverting or obtaining water from surface streams, lakes and underground water sources shall, upon the request of the Department, file a monthly report with the Department of Water Resources showing the amount of water used, withdrawn, diverted or obtained from such sources. Such report shall be on a form supplied by the Department and shall show the identification of the water well or other withdrawal facility, location, withdrawal rate (measured in gallons per minute), and total gallons withdrawn during the month. Reports required to be filed under this subsection shall be filed on or before the fifteenth day of the month succeeding the month during which the using, withdrawing, diverting or obtaining water required to be reported occurred. Provided, however, this provision does not include use for household, livestock, or gardens. All reports required under this Act are provided solely for the purpose of the Department of Water Resources."

Sec. 2. This authority is in addition and supplemental to all other authority relating to the reporting of water use information.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1036 CHAPTER 1118

AN ACT TO AMEND THE LICENSE TAX ARTICLE, BEING ARTICLE 2 OF CHAPTER 105 AND CERTAIN OTHER RELATED PROVISIONS OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-62 is hereby amended by adding a new subsection to be designated subsection (d) to read as follows: "No tax shall be levied under this Section, for the privilege of operating vending machines or the sale of any commodity through such machines, against any vending machine operator, licensed under G. S. 105-65.1 and required thereby to pay a gross receipts tax."

Sec. 2. G. S. 105-65.1 is hereby rewritten to read as follows:

"G. S. 105-65.1. Merchandising Dispensers and Weighing Machines. (a) Every person, firm, or corporation engaged in the business of operating, maintaining, or placing on location anywhere within the State of North Carolina merchandising dispensers in which are kept any article or

merchandise to be purchased, or weighing machines, shall be deemed a distributor or operator and shall apply for and procure from the Commissioner of Revenue a State-wide license to be known as an annual distributor's or operator's license, and shall pay for such license the following tax:

Distributors or operators of 5 or more drink dispensers other than open cup drink dispensers	$100.00
Distributors or operators of 5 or more open cup drink dispensers	50.00
Distributors or operators of 5 or more cigarette dispensers or dispensers of other tobacco products	50.00
Distributors or operators of 5 or more food or other merchandising dispensers selling products for five cents (5¢) or more	50.00
Distributors or operators of 5 or more food or other merchandising dispensers selling products for less than five cents (5¢)	25.00
Distributors or operators of 5 or more weighing machines	50.00

A person, firm, or corporation operating and maintaining soft drink dispensers or any other dispensers as set forth above in places of business operated by him or it, and not elsewhere, shall not be considered a distributor or operator of such dispensers for the purpose of this subsection.

Any person, firm, or corporation operating, maintaining, or placing on location fewer than 5 such machines or dispensers shall not be considered a distributor or operator for the purpose of this subsection. Any person, firm, or corporation operating, maintaining, or placing on location 5 or more soft drink dispensers shall not be considered a distributor or operator for the purpose of this subsection when all of said dispensers operated, maintained, or placed on location by such person, firm, or corporation are operated, maintained, or placed in a single building, all parts of which are accessible through the same outside entrance, and which building is occupied by a single commercial, manufacturing, or industrial business. Every machine or dispenser placed on location by a licensed operator or distributor as herein defined shall have affixed thereto identification showing the name and address of the owner, operator, or distributor. The operator of any machine or dispenser not so identified shall be liable for additional license tax as levied by subsection (b) (3).

"(b) (1) In addition to the above annual distributor's or operator's license, every distributor or operator distributing or operating dispensers or machines designed or used for the dispensing or selling of soft drinks, other than open cup drinks, shall apply for and obtain from the Commissioner of Revenue a State-wide license for such dispensers or machines so operated, and shall pay therefor an annual soft drink dispenser tax according to the following schedule:

For more than 5 and less than 50 soft drink dispensers seven dollars ($7.00) per machine.	
For 51 and not over 100 soft drink dispensers	$1,070.00
For 101 and not over 150 soft drink dispensers	1,785.00
For 151 and not over 200 soft drink dispensers	2,500.00
For each 50 or fraction thereof additional soft drink dispensers over 200	715.00

Where a distributor or operator procures a license under one of the lower tax brackets under the above schedule and adds additional soft drink dispensers during the tax year whereby license becomes due in a higher tax bracket, such licensee shall apply for additional license based upon the difference between the amount paid and the amount due in the higher bracket. Such additional license shall be applied for at the end of the month in which the additional license became due.

(2) In addition to the above annual distributor's or operator's license, every distributor or operator distributing, maintaining, or operating 5 or more cigarette dispensers, or 5 or more dispensers of other tobacco products, or 5 or more open cup drink dispensers, or 5 or more food or other merchandising dispensers, or 5 or more weighing machines shall pay a tax upon the gross receipts obtained from such machines and dispensers at the rate of six-tenths of one per cent (6/10 of 1%) of gross receipts from cigarette sales, and one-tenth of one per cent (1/10 of 1%) of gross receipts from all other sales; but the tax paid for the operator's license shall be treated as an advance payment of the gross receipts tax and shall be applied as a credit upon the gross receipts tax, but only for the same year for which the tax was paid. All persons, firms, or corporations liable for the gross receipts tax levied hereunder shall file quarterly reports with the Commissioner of Revenue no later than the 15th day of each of the months of January, April, July and October of each year for the 3 months' period ended on the last day of the month immediately preceding the month in which the report is due. All taxes due for said period shall be paid to the Commissioner of Revenue at the time the report is required to be filed.

(3) Every person, firm, or corporation, operating, maintaining, or placing on location any dispenser or machine described in subsection (a) and not required to procure a distributor's or operator's license under the terms of subsection (a) shall apply for and obtain from the Commissioner of Revenue a State-wide license for each such dispenser or machine, and shall pay therefor an annual tax as follows:

Cigarette dispensers or dispensers of other tobacco products .... $ 5.00

Drink dispensers having a capacity in excess of 48 bottles or other dispensing units, including those bottles or other dispensing units stored in such machine or dispenser as well as those in the dispensing rack 15.00

Drink dispensers having a capacity not in excess of 48 bottles or other dispensing units, including those bottles or other dispensing units stored in such machine or dispenser as well as those in the dispensing rack 5.00

Food or other merchandising dispensers selling products for five cents (5¢) or more per unit 1.00

Food or other merchandising dispensers selling products for less than five cents (5¢) per unit ..... .50

Weighing machines 2.50

Provided that the tax on food or merchandising dispensers imposed by this subdivision (3) shall not apply to dispensers dispensing peanuts only or to dispensers dispensing no commodity other than candy containing

fifty per cent (50%) or more peanuts, or to penny self-service dispensers or machines twenty per cent (20%) of the gross revenue from which inures to the benefit of the visually handicapped.

(4) The applicant for license under subsection (3) above shall, in making application for license, specify the serial number of the dispenser, or dispensers and of the weighing machine, or machines, proposed to be distributed or operated, together with a description of the merchandise or service offered for sale thereby, and the amount of deposit required by or in connection with the operation of such dispenser, or dispensers, and such machine or machines. The license shall carry the serial number to correspond with that on the application; provided, that such licenses shall not be transferable to any other dispensers except under the following conditions: If at any time during the license tax year an applicant or license holder shall elect to replace a licensed machine by a new or unlicensed machine, he may notify the Commissioner by letter, enclosing the vending license of such machine to be replaced, and giving the serial number of the replacement machine and the serial number of the machine being replaced and certifying that the machine being replaced has been withdrawn from his operation by sale or otherwise, and advising the Commissioner of the disposition of the machine being replaced. A new license will thereupon be issued for the replacement machine without the payment of further license tax for the balance of the license tax year in which the replacement occurs. It shall be the duty of the person in whose place of business the dispenser or machine is operated or located to see that the proper State license is attached in a conspicuous place on the dispenser or machine before its operation shall commence.

"(c) If any person, firm, or corporation shall fail, neglect, or refuse to comply with the terms and provisions of this Section or shall fail to attach the proper State license to any dispenser or machine as herein provided, the Commissioner of Revenue, or his agent or deputies, shall forthwith seize and remove such dispenser or machine, and shall hold the same until the provisions of this Section have been complied with. In addition to the above provision the applicant shall be further liable for the additional tax imposed under G. S. 105-112.

"(d) Sales of merchandise herein referred to shall be subject to the provisions of Article V of this Chapter, and the tax therein levied shall be paid by the distributor or operator of such dispensers or machines.

"(e) Counties, cities and towns shall not levy or collect any annual distributor's or operator's occupational license levied for the distribution or operation of any of the dispensers or machines described in subsection (a), nor any per dispenser or per machine license tax for any machine or dispenser described in subsection (a) or (b) of this Section, nor upon the sale of any commodities through such machine or dispenser.

"(f) The word 'dispenser' or 'dispensers' as used in this Section shall include any machine or mechanical device through the medium of which any of the merchandise referred to in this Section is purchased, distributed or sold.

"(g) Neither the tax levied under subsection (b) upon dispensers, nor the tax levied under subsection (a) upon distributors or operators, shall

apply to dispensers or vending machines which dispense only milk, milk drinks, products of the dairy, pure uncarbonated fruit or vegetable juices, or newspapers."

Sec. 3. G. S. 105-79 is hereby amended by adding a new paragraph at the end of the present Section to read as follows:

"No tax shall be levied under this Section, for the privilege of operating vending machines or the sale of any commodity through such machines, against any vending machine operator, licensed under G. S. 105-65.1 and required thereby to pay a gross receipts tax."

Sec. 4. G. S. 105-84 is hereby amended by adding a new paragraph at the end of the present Section to read as follows:

"No tax shall be levied under this Section, for the privilege of operating vending machines or the sale of any commodity through such machines, against any vending machine operator, licensed under G. S. 105-65.1 and required thereby to pay a gross receipts tax."

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall become effective on July 1, 1968.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1048 CHAPTER 1119

AN ACT TO LIMIT THE POSSESSION, SALE, PURCHASE, TRANSPORTATION AND EXHIBITION OF LIVE BIG GAME ANIMALS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (1) of G. S. 113-91 is hereby amended by changing the period after the word "purposes" at the end of the first sentence thereof to a comma and by inserting thereafter the following: "but no wild animals or wild birds shall be held in captivity under inhumane or unsanitary conditions".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1091 CHAPTER 1120

AN ACT TO REWRITE G. S. 120-3 WITH RESPECT TO THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 120-3 is hereby rewritten to read as follows:

"§ 120-3. Pay of Members and Presiding Officers of the General Assembly. (a) The members of the General Assembly for the term for which they have been elected shall receive as compensation for their services the sum of fifteen dollars ($15.00) per day for each day of their session and each day of any extra or special session. The compensation of the presiding officers of the two houses shall be twenty dollars ($20.00) per day for each day of the session and for each day of any extra or special session.

"(b) The pay of the members and presiding officers for a regular session of the General Assembly may be paid in installments, or upon a per diem basis, as the several members and presiding officers may elect, but in no instance shall installments or per diem amount to more than fifteen dollars ($15.00) per day for the members and twenty dollars ($20.00) per day for the presiding officers for the number of days the General Assembly has been in session.

"(c) Any member or presiding officer may extend the disbursement of his pay over the two years of his term. Any member electing to do so shall notify the Department of Administration of his decision and shall designate any part of the total pay due him to be disbursed after the first day of January in the second year of his term. Any election to extend disbursement made by a member or presiding officer under this subsection shall be irrevocable and may not be rescinded. No installment shall be paid beyond the thirty-first day of December immediately following the election of the succeeding General Assembly."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on 1 July 1967.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1093 CHAPTER 1121

AN ACT TO AMEND G. S. 7-89, RELATING TO COURT REPORTERS, SO AS TO MAKE THE SAME APPLICABLE TO NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7-89, as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes, is hereby amended by inserting the word "Nash" immediately after the word "Moore" in the last paragraph thereof.

Sec. 2. All prior laws relating to the compensation of court reporters in Nash County, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1234 CHAPTER 1122

AN ACT TO CLARIFY THE AUTHORITY OF MUNICIPALITIES TO GRANT FRANCHISES FOR CABLE TELEVISION SERVICES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-2 is hereby amended by inserting between subsections (6) and (7) a new subsection to be designated as subsection (6a) and to read as follows:

"(6a) To grant upon reasonable terms franchises for the operation of cable television systems, such grants not to exceed the period of 20 years,

to levy reasonable franchise taxes under authority of G. S. 160-56 on the business of operating cable television systems, and to prohibit the operation of cable television systems without a franchise. For the purposes of this subsection, 'cable television system' shall include any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that 'cable television system' shall not include the providing by any person, firm, or corporation of master antenna service only to property owned or leased by such person, firm, or corporation, if no part of any public right of way or easement is used in providing such service; and further provided, that this subsection shall not apply to communication services rendered to such a cable television system by a public utility and which services are subject to regulation by the North Carolina Utilities Commission or the Federal Communications Commission."

Sec. 2. Nothing in this Act shall be construed so as to affect in any manner any franchise granted prior to the effective date hereof.

Sec. 3. All laws and clauses of laws in conflict with this Act hereby are repealed.

Sec. 4. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1242 CHAPTER 1123

AN ACT AUTHORIZING COUNTIES WHICH INSTALL A MODERN LOOSE LEAF REGISTRATION BOOK SYSTEM OF VOTERS TO EXTEND THE REGISTRATION PERIOD FOR A LIMITED TIME.

The General Assembly of North Carolina do enact:

Section 1. If prior to January 1, 1970, a new county-wide registration of all voters is ordered by the county board of elections, by reason of the adoption of a modern loose leaf registration book system of voters, as authorized by Chapter 163 of the General Statutes of North Carolina, the registration books shall be opened for the registration of qualified persons as provided in G. S. 163-67, and, additionally, the county boards of elections may begin the registration of voters in the office of said board, immediately after the modern loose leaf registration book system has been installed with the approval and in accordance with the rules and regulations of the State Board of Elections.

Sec. 1½. Provisions of this Act shall apply only to Buncombe and Lincoln Counties.

Sec. 2. This Act shall be null and void after January 1, 1970.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

H. B. 1397 **CHAPTER 1124**

AN ACT TO AMEND CHAPTER 470 OF THE SESSION LAWS OF 1961 RELATING TO THE WATAUGA COUNTY AIRPORT COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Section 8 of Chapter 470 of the Session Laws of 1961 is hereby amended by adding at the end thereof a new subsection to be designated as subsection (1) and to read as follows:

"(1) In addition to all other powers herein conferred, the Watauga County Airport Commission is hereby authorized and empowered to acquire property for airport purposes to the same extent and by the same methods, including acquisition by condemnation, as the governing bodies of the Town of Boone, the Town of Blowing Rock, and the County of Watauga are authorized by Sections 2, 3, 4, and 5 of this Act. Such acquisition of land by condemnation shall be accomplished under and in accordance with the procedures of Article 2 of Chapter 40 of the General Statutes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of July, 1967.

S. B. 260 **CHAPTER 1125**

AN ACT PROVIDING THAT THE CANOVA STATUE OF GEORGE WASHINGTON BE PLACED IN THE ROTUNDA OF THE NORTH CAROLINA CAPITOL BUILDING.

WHEREAS, the State of North Carolina in 1816 commissioned the celebrated Italian sculptor, Antonia Canova, to design and sculpt a statue in Carrara marble of George Washington for the North Carolina State House; and

WHEREAS, the coming to North Carolina of this statue was an event of international importance, a United States battleship being sent to Italy to bring it to America; and

WHEREAS, the statue was burned when the State House burned in 1831 and only multilated portions now remain; and

WHEREAS, the final "pointing up" model for this statute is now in the Canova Museum in Possagno, Italy, and a statue can be re-created in Carrara marble for North Carolina; and

WHEREAS, the rotunda of our present Capitol building was planned for the reception of the restored statue, the stairs in the original plan being removed to the halls in order that nothing should detract from the effect of this statue; and

WHEREAS, the George Washington Statue Commission consisting of 15 members appointed by the Governor and three ex officio members was established in 1964 for the purpose of securing through non-State sources funds for this re-created statue for the rotunda of our State Capitol: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Canova statue of George Washington, when completed, shall be placed in the rotunda of the North Carolina Capitol Building.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 534 CHAPTER 1126

AN ACT TO AMEND ARTICLE 12 OF CHAPTER 20, THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, TO CLARIFY THE DEFINITION OF "ESTABLISHED PLACE OF BUSINESS" AND TO PROVIDE FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSES FOR WILFUL AND INTENTIONAL FAILURE TO COMPLY WITH CERTAIN PROVISIONS OF THE MOTOR VEHICLE LAWS CONCERNING REGISTRATION, CERTIFICATES OF TITLE, TRANSFERS OF TITLE, USE OF REGISTRATION PLATES, AND ANTI-THEFT.

The General Assembly of North Carolina do enact:

Section 1. Subsection (6) of G. S. 20-286, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting immediately after the word "salesroom" appearing in line 1 the following language: "containing at least 64 square feet of floor space."; and by inserting after the word "structure" appearing in line 2 the following language: "said salesroom shall have displayed thereon or immediately adjacent thereto a sign clearly and distinctly designating the trade name of the business."

Sec. 2. Subsection (2) of G. S. 20-294, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by inserting after the word "article" appearing in line 2 thereof the following language: "or the wilful and intentional violation of G. S. 20-52.1, G. S. 20-75, G. S. 20-82, G. S. 20-108, G. S. 20-109 or recision and cancellation of dealer's license and dealer's plates under G. S. 20-110(e) or G. S. 20-110(f)."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 536 **CHAPTER 1127**

AN ACT TO AMEND G. S. 136-66.3 SUBSECTION (c) SO AS TO PROPERLY DESIGNATE OFFICIALS OF THE STATE HIGHWAY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-66.3 subsection (c), as it appears in the 1965 Supplement to the 1964 Replacement Volume 3B of the General Statutes of North Carolina, is hereby rewritten to read as follows:

(c) In the acquisition of rights of way for any State highway system street or highway in or around a municipality, the municipality shall be vested with the same authority to acquire such rights of way as is granted to the State Highway Commission in this Chapter. In the acquisition of such rights of way, municipalities may use the procedures provided in Article 9 of this Chapter, and wherever the words "Highway Commission" or "State Highway Commission" appear in Article 9 they shall be deemed to include "municipality" or "municipal governing body", and wherever the words "Administrator", "Administrator of Highways", "Administrator of the Highway Commission", "Chairman" or "Chairman of the Highway Commission" appear in Article 9 they shall be deemed in include "Municipal Clerk". It is the intention of this subsection that the powers herein granted to municipalities for the purpose of acquiring rights of way shall be in addition to and supplementary to those powers granted in any local Act or in any other general statute, and in any case in which the provisions of this subsection or Article 9 of this Chapter are in conflict with the provisions of any local Act or any other provision of any general statute, then the governing body of the municipality may in its discretion proceed in accordance with the provisions of such local Act or other general statute, or, as an alternative method of procedure, in accordance with the provisions of this subsection and Article 9 of this Chapter.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 537 **CHAPTER 1128**

AN ACT TO AMEND PART 3 OF ARTICLE 3 OF CHAPTER 136 OF THE GENERAL STATUTES TO CLARIFY THE POWERS AND DUTIES OF THE STATE HIGHWAY COMMISSION WITH REGARD TO THE ALTERATION OR ABANDONMENT OF PORTIONS OF THE STATE HIGHWAY SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-54, as the same appears in the 1965 Supplement to Volume 3B, is amended by striking out immediately following the word "of" in line 1 thereof and immediately preceding "136-60" in line 2 thereof, the following: "§ 136-56, and".

Sec. 2. G. S. 136-55 is amended by rewriting the same to read as follows:

"Section 136-55. Notice of Relocation or Abandonment of Numbered Highways. Upon the approval by the Commission of the preliminary design for the relocation or construction upon new location of any State, Federal or Interstate numbered highways, the State Highway Commission shall post a map at the courthouse door in the county or counties where the proposed project is located showing the existing location and the new location of said highway. In addition, said map shall show any segments of the existing highways which are to be abandoned and removed from the State Highway System for maintenance by the Commission upon completion and opening to traffic of the new or relocated highway."

Sec. 3. G. S. 136-55.1 is hereby amended to read as follows:

"Section 136-55.1. Notice of Abandonment. At least 60 days prior to any action by the State Highway Commission abandoning a segment of road and removing the same from the State Highway System for maintenance, except roads abandoned on request of the County Commissioners under G. S. 136-63, the State Highway Commission shall notify by registered mail or personal delivery all owners of property adjoining the section of road to be abandoned whose whereabouts can be ascertained by due diligence. Said notice shall describe the section of road which is proposed to be abandoned and shall give the date, place and time of the Commission meeting at which the action abandoning said section of road is to be taken."

Sec. 4. G. S. 136-56 is hereby repealed in its entirety.

Sec. 5. G. S. 136-59 is amended by striking out that portion of the statute immediately following the phrase "or municipal corporation," appearing in line 4 thereof and reading as follows: "other than the road governing body of the county in which said road is situated, or the county seat or principal town affected as defined in Section 136-55 by any change, alteration or abandonment."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 538 CHAPTER 1129

AN ACT TO AUTHORIZE THE STATE HIGHWAY COMMISSION TO ENTER INTO AGREEMENTS WITH ADJOINING STATES RELATING TO THE CONSTRUCTION OF HIGHWAYS CONNECTING THE STATE HIGHWAY SYSTEM WITH THE HIGHWAYS OF ADJOINING STATES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 136-18 is amended by adding a new subsection, to be designated subsection (23), immediately following the end of subsection (22) and reading as follows:

"(23) When in the opinion of the State Highway Commission an economy in the expenditure of public funds can be effected thereby, the

State Highway Commission shall have authority to enter into agreements with adjoining states regarding the planning, location, engineering, right of way acquisition and construction of roads and bridges connecting the North Carolina State Highway System with public roads in adjoining states, and the State Highway Commission shall have authority to do planning, surveying, locating, engineering, right of way acquisition and construction on short segments of roads and bridges in adjoining states with the cost of said work to be reimbursed by the adjoining state, and may also enter into agreements with adjoining states providing for the performance of and reimbursement to the adjoining state of the cost of such work done within the State of North Carolina by the adjoining state: Provided, that the State Highway Commission shall retain the right to approve any contract for work to be done in this State by an adjoining state for which the adjoining state is to be reimbursed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 568 CHAPTER 1130

AN ACT TO DETERMINE AND REGULATE THE SALARIES OF CERTAIN CONSTITUTIONAL OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. Effective January 1, 1969, the salary of each member of the Council of State and the Attorney General shall be twenty thousand dollars ($20,000.00) per annum.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 583 CHAPTER 1131

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN ALCOHOLIC REHABILITATION CENTER IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Mental Health is hereby authorized and empowered to expend one hundred fifty thousand dollars ($150,000.00) for the creation, establishment, construction and administration of an alcoholic rehabilitation center in Mecklenburg County, for the biennium 1967-1969, upon the express condition that this authorization shall be void and of no effect unless matching funds, on a dollar for dollar basis, shall have been provided for the purposes herein by the City of Charlotte, County of Mecklenburg, or from private gifts and donations on or before August 31, 1968.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 588 CHAPTER 1132

AN ACT TO AMEND G. S. 20-101 RELATING TO THE MARKING OF MOTOR VEHICLES USED BY FRANCHISED MOTOR CARRIERS AND EXEMPT FOR HIRE CARRIERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-101 is hereby amended by rewriting said Section to read as follows:

"G. S. 20-101. For Hire Vehicles to be Marked. All motor vehicles licensed as common carriers or contract carriers of passengers or property and all exempt for hire motor carriers shall have printed on each side of the vehicle in letters not less than three inches in height the name and home address of the owner, the certificate number, permit number, or exemption number under which said vehicle is operated, and such other identification as may be required and approved by the Utilities Commission."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after November 15, 1967.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 589 CHAPTER 1133

AN ACT TO AMEND G. S. 62-49 RELATING TO PUBLICATION OF THE PUBLIC UTILITIES LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-49 is hereby rewritten to read as follows:

"G. S. 62-49. Publication of Utilities Laws. The Commission is authorized and directed to secure publication of all North Carolina laws affecting public utilities, together with the Commission rules and regulations, in an annotated edition, and the Commission may adopt rules for distribution of said publication, and shall publish biennial supplements to said Utilities Laws containing all amendments and additions thereto, and may republish said laws at such times as may be reasonable and necessary."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 590 **CHAPTER 1134**

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES TO PROVIDE STANDARDS OF PUBLIC SAFETY FOR INTERSTATE AND INTRASTATE NATURAL GAS PIPELINES LOCATED IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Article 3 of Chapter 62 of the General Statutes is hereby amended by adding a new Section at the end thereof to read as follows:

"G. S. 62-50. Safety Standards for Interstate and Intrastate Natural Gas Pipelines. The safety standards of this Chapter shall apply to the North Carolina portion of interstate natural gas pipelines extending to, from, within or through this State in interstate commerce to the same extent as said safety provisions apply to intrastate natural gas pipelines of natural gas utility companies and pipeline carriers operating under a franchise from the Utilities Commission. The Commission may require that interstate natural gas companies and interstate natural gas pipeline carriers operating interstate natural gas pipelines in this State and all intrastate natural gas utilities shall file with the Commission reports of all accidents occurring in connection with the operation of all natural gas pipelines located in North Carolina and to file with the Commission copies of its construction, operation and maintenance standards and procedures, and any amendments thereto, and such other information as may be necessary to show compliance with the safety standards promulgated by the Commission hereunder. Where the Commission has reason to believe that any interstate natural gas company or any intrastate natural gas utility is not in compliance with the Commission's safety standards, the Commission may, after notice and hearing, order said interstate natural gas company or intrastate natural gas utility, to take such measures as may be necessary to comply with such standards. The Commission is authorized to require said interstate natural gas pipeline companies or carriers and intrastate natural gas utilities to furnish engineering reports showing that said pipelines are in safe operating condition and are being operated in conformity with the Commission's safety standards."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 591 **CHAPTER 1135**

AN ACT TO REQUIRE MINIMUM STANDARDS OF SECURITY FOR PROTECTION OF THE PUBLIC AND MINIMUM STANDARDS OF HIGHWAY SAFETY FOR MOTOR VEHICLES TRANSPORTING PASSENGERS AND PROPERTY FOR HIRE UNDER EXEMPTION FROM OTHER PROVISIONS OF THE PUBLIC UTILITIES ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-260 is hereby amended by adding a new subsection (f) at the end thereof to read as follows:

"(f) Notwithstanding the exemptions for transportation of passengers and property provided under subsections (a) through (e) of this Section, all motor carriers transporting passengers for compensation under said exemptions or under any special exemptions granted by the Utilities Commission under G. S. 62-261 shall be subject to the same requirements for security for protection of the public as are established for regulated motor common carriers by the rules of the Utilities Commission pursuant to G. S. 62-268, and all such motor carriers transporting for hire under said exemption provisions shall further be subject to the same requirements for safety of operation of said motor vehicles as are required of regulated motor common carriers under the provisions of this Chapter and the regulations of the Commission adopted pursuant thereto. The Commission is authorized to promulgate rules and regulations for the enforcement of said requirements in the case of all such exempt operations, and the officers and agents of the Commission shall have full authority to inspect said exempt vehicles and to apply all enforcement regulations and penalties for violation of said security regulations and safety regulations as in the case of regulated motor carriers."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after February 15, 1968.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 592 **CHAPTER 1136**

AN ACT TO AMEND G. S. 20-87 TO DELETE PROVISION FOR LICENSE OF EXCURSION PASSENGER VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. Amend G. S. 20-87 (3) by striking out the words "For Hire Passenger Vehicles" appearing as the caption of said subparagraph (3) and by inserting in lieu thereof the words "Contract Carrier and Exempt For Hire Passenger Carrier Vehicles".

Sec. 2. Amend G. S. 20-87 by striking out in its entirety subsection (4) thereof.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 593 CHAPTER 1137

AN ACT AMENDING ARTICLE 49D OF CHAPTER 106 OF THE GENERAL STATUTES RELATING TO COMPULSORY POULTRY INSPECTION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-549.65 is amended by adding a new paragraph at the end thereof reading as follows:

"It is unlawful for any person to put or cause to be put any stamps, tag or paper giblet wrapping in, on or upon the carcass of any poultry or poultry product transported inter-county which has not been inspected according to the provisions of this Article."

Sec. 2. G. S. 106-549.69 is rewritten in its entirety as follows:

"§ 106-549.69. Penalties; Stop Sale Order. Any person who shall violate any of the provisions of this Article or the rules and regulations adopted hereunder shall be guilty of a misdemeanor and may be fined or imprisoned, or both, in the discretion of the court.

"The Commissioner, or his authorized representative, shall have authority to issue a stop sale order for any poultry or poultry product which in transported inter-county without having been inspected according to the provisions of this Article. Such stop sale order shall be delivered to the owner, manager or person in charge of any store, market or place of business where such poultry or poultry product is sold, displayed, offered for sale or stored. Any person to whom a stop sale order has been delivered shall not sell or offer for sale any poultry or poultry product on which such stop sale order was issued."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 609 CHAPTER 1138

AN ACT TO AMEND G. S. 105-405.1, RELATING TO THE REFUND OF TAXES ILLEGALLY COLLECTED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-405.1 is hereby amended by deleting the word "two" from line 7, and inserting in lieu thereof the word "eight".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 616 **CHAPTER 1139**

AN ACT TO AMEND CHAPTER 282 OF THE SESSION LAWS OF 1967 PERTAINING TO REAR VIEW MIRROR REQUIREMENTS FOR PICKUP TRUCKS.

The General Assembly of North Carolina do enact:

Section 1. Subparagraph "(a)" of Chapter 282 of the Session Laws of 1967 is hereby amended by adding the following provision at the end thereof:

"Provided that pickup trucks equipped with an outside rear view mirror approved by the Commissioner shall be exempt from the inside rear view mirror provision of this Section."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 620 **CHAPTER 1140**

AN ACT TO AMEND ARTICLE 4B OF CHAPTER 106 OF THE GENERAL STATUTES SO AS TO PROHIBIT AIRCRAFT APPLICATION OF PESTICIDES WITHIN TWO MILES OF THE CORPORATE LIMITS OF ANY CITY OR TOWN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-65.14 is hereby amended by adding a new paragraph at the end thereof to read as follows:

"Notwithstanding any other provisions of this Article, it shall be unlawful for any person, firm, association or corporation to make any application of pesticides by aircraft within two miles of the corporate limits of any incorporated city or town in this State, provided that this prohibition is not applicable if and when the State Health Director shall determine that a health menace exists which would justify the use of pesticides in this manner; provided further that when a health menace due to insect borne diseases exists any spraying or dusting performed pursuant to Act shall be done under the supervision of the Department of Agriculture."

Sec. 1½. This Act shall apply only to Henderson County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 623 **CHAPTER 1141**

AN ACT REPEALING CHAPTER 695 OF THE SESSION LAWS OF 1963 LIMITING THE AMOUNT OF SCHOOL BONDS WHICH MIGHT BE AUTHORIZED FOR THE COUNTY OF HARNETT AND FIXING SUCH LIMITATION FOR SAID COUNTY WITHIN THE PROVISIONS OF THE COUNTY FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 695 of the Session Laws of 1963 limiting the amount of bonds of the County of Harnett which might be authorized for school purposes to four million five hundred thousand dollars ($4,500,000.00) is hereby repealed.

Sec. 2. The Board of Commissioners for said County of Harnett is hereby authorized and empowered to pass a bond order or orders authorizing the issuance of bonds of said county for school purposes pursuant to the provisions of the County Finance Act (Article 9 of Chapter 153 of the General Statutes of North Carolina) and notwithstanding any limitation contained in Section 153-87 of the County Finance Act, if it appears from the sworn statements filed pursuant to Section 153-83 of the County Finance Act that the net school indebtedness does not exceed eight per cent (8%) of the assessed valuation of said county, unless the bonds to be issued are funding or refunding bonds in which event such limitation shall not apply.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 631 **CHAPTER 1142**

AN ACT TO CREATE THE STATE ART MUSEUM BUILDING COMMISSION AND TO PROVIDE FOR THE ERECTION OF A STATE ART MUSEUM BUILDING.

WHEREAS, the North Carolina Museum of Art, which opened its doors in 1956, has now grown until its collection exceeds in value the sum of seven million dollars ($7,000,000.00); and

WHEREAS, the present building on Morgan Street, in which said collection is housed, is now inadequate for the proper display and protection of said collection; and

WHEREAS, it is deemed wise in the building of a new Museum to provide for the orderly growth of the Museum collection in the future: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the State Art Museum Building Commission, which shall consist of three persons who have served in the State Senate, to be appointed by the President of the Senate; three persons

who have served in the House of Representatives, to be appointed by the Speaker of the House of Representatives; and nine persons to be appointed by the Governor. All members shall be appointed on July 1, 1967, or as soon thereafter as is practical, and shall serve until the completion of the duties assigned to the Commission. Each vacancy occurring in the membership of the Commission shall be filled by appointment of the officer authorized to make the initial appointment to the place vacated, and each appointee to fill a vacancy shall have the same qualifications prescribed by this Act for the appointee whom he succeeds. The Governor shall appoint one member of the Commission to serve as Chairman.

Sec. 2. The State Art Museum Building Commission shall have the following powers and duties:

(a) With the approval of the Governor and Council of State and the North Carolina State Capital Planning Commission, to determine the site for the building of the State Art Museum on land which has been denominated as Heritage Square.

(b) To employ architects to prepare plans for the State Art Museum Building, to assist and advise the architects in the preparation of those plans, and to approve on behalf of the State all plans for the State Art Museum Building.

(c) To enter on behalf of the State into contracts for the construction of an Art Museum Building and the employment of consultants and for the purchase of services, materials, furnishings, and equipment required in connection with the location, design, construction, furnishing, and equipping of said Museum Building.

(d) To supervise generally the location, construction, furnishing, equipping, renovating and care of the State Art Museum Building.

(e) To call upon the Department of Administration, the Attorney General, and any other State agency or officer for such assistance as the Commission may require in carrying out its duties.

(f) To appoint such advisory committees, composed of persons not members of the Commission, as the Commission deems necessary.

(g) To report to the General Assembly at each regular Session concerning action taken by the Commission during the previous biennium in carrying out the provisions of this Act, and to make such special reports as may be requested by the General Assembly or the Governor.

(h) To receive gifts of funds from foundations, corporations and individuals and to receive public funds to aid in defraying the cost of said Building, and surrounding facilities including landscaping.

Sec. 3. This Commission is hereby declared to be created for a special purpose and membership on such Commission shall not constitute a public office.

Sec. 4. This Commission shall have all powers necessary in carrying out the general purpose of this Act.

Sec. 5. In the event that this State Art Museum Building Commission should find it necessary to acquire lands, right of way or easements in order to carry out the purposes of this Act, and, in that event, if the Commission is unable to purchase the same from the owners thereof at an agreed price, or is unable to obtain a good and sufficient title therefor

by purchase from the owners, then the Commission shall have and may exercise the right of eminent domain and may acquire any such lands, rights of way or easements necessary for the aforesaid purpose by condemnation in the manner prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina as amended.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 645 CHAPTER 1143

AN ACT TO AMEND G. S. 126-5 (b) SO AS TO BRING THE PHYSICIANS AND DENTISTS OF CERTAIN STATE INSTITUTIONS, THE DEPUTY DIRECTORS, DIRECTOR OF PROFESSIONAL TRAINING AND DIRECTOR OF RESEARCH OF THE STATE DEPARTMENT OF MENTAL HEALTH UNDER THE PROVISIONS OF THE STATE PERSONNEL ACT.

The General Assembly of North Carolina do enact:

Section 1. G. S. 126-5 (b), as the same appears in the 1965 Supplement to the General Statutes, is hereby amended by rewriting the first eight lines thereof in their entirety to read as follows:

"(b) The provisions of this Chapter shall not apply to the following persons or employees: Public school superintendents, principals, teachers, and other public school employees; instructional and research staff, physicians and dentists of the educational institutions of the State; business managers of the University of North Carolina and its several campuses, East Carolina College, and Appalachian State Teachers College;".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 690 CHAPTER 1144

AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF THE STANLY COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Stanly County shall consist of five members who shall be elected by the qualified voters of the entire county. The election shall be nonpartisan and shall be held at the same time as the regular primary election is held for county officers. The election shall be held and conducted insofar as is practicable by the County Board of Elections in accordance with the general election laws of the State except as otherwise provided herein.

Sec. 2. All candidates shall file for office within the time required by law for county officers to file in primaries. No filing fee shall be required. The names of all persons filing for membership on the Stanly County Board of Education shall be placed on the ballot without party designation.

Sec. 3. In the election held in 1968 and quadrennially thereafter the three candidates receiving the highest number of votes cast shall be deemed elected. In the election held in 1970 and quadrennially thereafter the two candidates receiving the highest number of votes cast shall be deemed elected. The persons elected to the Board of Education shall take office on July 1 in the year elected and shall serve until their successors shall be elected and qualified.

Sec. 4. The terms of the three members of the present school board which expire on the first Monday in April, 1969, shall expire June 30, 1968, and the terms of the two members of the present school board which expire the first Monday in April, 1971, shall expire June 30, 1970.

Sec. 5. Any vacancy occurring in the Stanly County Board of Education by death, resignation, or otherwise shall be filled by the remaining members of the Board of Education, and the person chosen shall serve for the unexpired term and until his successor is elected and qualified.

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 733 CHAPTER 1145

AN ACT TO REPEAL THE CHARTER OF BUIES CREEK IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 253 of the Private Laws of 1903, entitled "An Act to Incorporate the Town of Buie's Creek", and all amendments thereto which incorporated the Town of Buies Creek in Harnett County are hereby repealed.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 721 CHAPTER 1146

AN ACT FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE BOARD OF EDUCATION OF CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. On and after the first Monday in December, 1968, the Board of Education of Cherokee County shall consist of six members to serve for staggered terms of six years each to be nominated and elected as hereinafter provided.

Sec. 2. For the purpose of nominating and electing members of the County Board of Education, the county is hereby divided into three districts, to be numbered and designated as follows: District No. 1 shall be composed of Valley Town Township; District No. 2 shall be composed of Brasstown Precinct, Burnt Meeting House Precinct, Murphy North Ward, Murphy South Ward, Peachtree Precinct and Walker School House Precinct; District No. 3 shall be composed of Culberson Precinct, Grape Creek Precinct, Hanging Dog Precinct, Hot House Precinct, Ogreeta Precinct, Shoal Creek Precinct and Unaka Precinct.

Sec. 3. In 1968, one candidate shall be nominated from District No. 1 and one candidate from District No. 3 by each political party, for election to the County Board of Education. At the general election held for county officers in Cherokee County in 1968, there shall be elected one member of the County Board of Education from District No. 1 and one member from District No. 3, who must be residents of the district they represent. Separate ballots for each district shall be prepared by the County Board of Elections and in the general election, the candidates nominated shall be voted on by only the qualified voters of the district in which the candidates reside.

Sec. 4. In 1970, one candidate shall be nominated from District No. 1 and one candidate from District No. 2 by each political party for election to the County Board of Education. At the general election held for county officers in Cherokee County in 1970, there shall be elected one member of the County Board of Education from District No. 1 and one member from District No. 2 who must be residents of the district they represent. Separate ballots for each district shall be prepared by the County Board of Elections and in the general election, the candidates nominated shall be voted on by only the qualified voters of the district in which the candidates reside.

Sec. 5. In 1972, one candidate shall be nominated from District No. 2 and one candidate from District No. 3 by each political party for election to the County Board of Education. At the general election held for county officers in Cherokee County in 1972, there shall be elected one member of the County Board of Education from District No. 2 and one member from District No. 3 who must be residents of the district they represent. Separate ballots for each district shall be prepared by the County Board of Elections and in the general election the candidates nominated shall be voted on by only the qualified voters of the district in which the candidates reside.

Sec. 5. Biennially after 1972 there shall be elected two members to the County Board of Education, as herein provided, to replace the members whose terms next expire.

Sec. 6. All persons elected to the County Board of Education under the provisions hereof shall begin their term of office on the first Monday in December of the year in which elected and shall serve until their successors are duly elected and qualified.

Sec. 7. In order to carry out the provisions of this Act, the term of office of Clarence C. Hemphill shall expire on the first Monday in December, 1968; the term of office of Noah W. Hembree and Dr. Charles O. Van

Gorder shall expire on the first Monday in December, 1970; and the term of office of Lewis King and Robert Stiles shall expire on the first Monday in December, 1972.

Sec. 8. At the first meeting of the County Board of Education after the 1968 general election, said Board shall elect a chairman from its members. In the event of a tie vote for chairman, then each member shall cast for chairman a number of votes equal in number to the total votes cast for all candidates for the Board in his district in the general election. Biennially after 1968, a chairman shall be elected as herein provided.

Sec. 9. The chairman of the County Board of Education shall not be entitled to vote. Four members of the Board shall constitute a quorum.

Sec. 10. Any vacancy occurring on the Board by reason of death, resignation, or otherwise, shall be immediately filled for the unexpired term by the County Executive Committee of the political party causing the vacancy.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 736 CHAPTER 1147

AN ACT TO AUTHORIZE DISCRETIONARY INCREASES IN THE COMPENSATION OF CERTAIN OFFICIALS OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. Section 1 of Chapter 303 of the Session Laws of 1953 is hereby amended to read as follows:

"Section 1. Irrespective of any charter provisions of Public-Local or Special Acts heretofore enacted, the Mayor of the City of Concord shall receive an annual salary not exceeding two thousand eight hundred dollars ($2,800.00); the members of the Board of Aldermen shall receive annual salaries not exceeding two thousand four hundred dollars ($2,400.00) each; the Chairman of the Board of Light and Water Commissioners shall receive an annual salary not exceeding eight hundred dollars ($800.00); and the other members of the Board of Light and Water Commissioners shall receive annual salaries not exceeding four hundred dollars ($400.00) each. All the salaries provided for above shall be fixed and determined by the Board of Aldermen of the City of Concord as to amounts, within the specified limitations, and as to dates of payment."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the first day of July, 1967.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

H. B. 1056 **CHAPTER 1148**

AN ACT TO AMEND ARTICLE 21, CHAPTER 116, OF THE GENERAL STATUTES OF NORTH CAROLINA TO AUTHORIZE THE ISSUANCE OF REVENUE BONDS FOR FACULTY HOUSING AND REVENUE PRODUCING PARKING FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 116-187 is amended by striking the period at the end, inserting a comma in lieu thereof, and adding the following: "housing of faculty, and for revenue-producing parking decks or structures."

Sec. 2. G. S. 116-189, subsection (5) is amended by adding the following sentence at the end thereof: "The word 'project' shall also mean and shall include any one or more buildings or facilities for faculty housing and revenue-producing parking decks or structures, of any size or type approved by the board and the Advisory Budget Commission and any enlargements, improvements or additions so approved of or to any such buildings or facilities now or hereafter existing, and including necessary land and interests in land, furnishings, equipment, and parking facilities."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

H. B. 1092 **CHAPTER 1149**

AN ACT TO REDEFINE THE LAW RELATING TO PRIMA FACIE EVIDENCE OF TAKING DEER WITH THE AID OF ARTIFICIAL LIGHTS.

The General Assembly of North Carolina do enact:

Section 1. Paragraph (b) of G. S. 113-109 is hereby amended by rewriting the second sentence thereof to read as follows: "In any locality or area which is frequented or inhabited by wild deer, the flashing or display of any artificial light from roadway or public or private driveway so that the beam thereof is visible for a distance of as much as fifty feet from such roadway or driveway, or the flashing or display of such artificial light at any place off such roadway or driveway, when either of such acts is accompanied by the possession of a firearm or a bow and arrow during the hours between sunset and sunrise, shall constitute prima facie evidence of a violation punishable under the provisions of the preceding sentence."

Sec. 1.5. Amend G. S. 113-104 in the fourth sentence by inserting after the word "light" and before the word "when" the following: "and firearms except where prohibited by the North Carolina Wildlife Resources Commission regulations."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

H. B. 1394 **CHAPTER 1150**

AN ACT RELATING TO THE FEES OF THE REGISTER OF DEEDS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the registration of the instruments mentioned herein the Register of Deeds of Northampton County shall receive the following fees:

Deed	$2.00
Deed of trust	2.75
Marriage certificate	1.00
Birth certificate	1.00
Death certificate	1.00
Registration of delayed birth certificate	1.00
Issuance of certified delayed birth certificate	1.00

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

S. B. 8 **CHAPTER 1151**

AN ACT TO AMEND G. S. 105-141 (b) SO AS TO EXEMPT FEDERAL MILITARY RETIREMENT PAY FROM INCOME TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-141 (b) is hereby amended by adding at the end thereof a new subdivision, to be designated as (13), and to read as follows:

"(13) All disability pay received from the United States Government by reason of service in either the Army, Navy, Marine Corps, Nurses' Corps, Air Corps, Air Force, or any of the armed services of the United States."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective with respect to income years beginning on or after January 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 106 **CHAPTER 1152**

AN ACT TO CONSOLIDATE AND REVISE THE PROVISIONS OF CHAPTER 50 OF THE GENERAL STATUTES RELATING TO ALIMONY AND ALIMONY PENDENTE LITE, AND TO AMEND OTHER STATUTES RELATING TO DIVORCE AND ALIMONY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 50-14, G. S. 50-15, and G. S. 50-16 as the same appear in Volume 2A of the General Statutes and the 1965 Cumulative Supplement thereto are hereby repealed.

Sec. 2. Chapter 50 of the General Statutes of North Carolina is hereby amended by inserting the following Sections:

"§ 50-16.1. Definitions. As used in the statutes relating to alimony and alimony pendente lite unless the context otherwise requires, the term:

(1) 'Dependent spouse' means a spouse, whether husband or wife, who is actually substantially dependent upon the other spouse for his or her maintenance and support or is substantially in need of maintenance and support from the other spouse.

(2) 'Supporting spouse' means a spouse, whether husband or wife, upon whom the other spouse is actually substantially dependent or from whom such other spouse is substantially in need of maintenance and support. A husband is deemed to be the supporting spouse unless he is incapable of supporting his wife.

(3) 'Alimony' means payment for the support and maintenance of a spouse, either in lump sum or on a continuing basis, ordered in an action for divorce, whether absolute or from bed and board, or an action for alimony without divorce.

(4) 'Alimony pendente lite' means alimony ordered to be paid pending the final judgment of divorce in an action for divorce, whether absolute or from bed and board, or in an action for annulment, or on the merits in an action for alimony without divorce."

"§ 50-16.2. Grounds for Alimony. A dependent spouse is entitled to an order for alimony when:

(1) The supporting spouse has committed adultery.

(2) There has been an involuntary separation of the spouses in consequence of a criminal act committed by the supporting spouse prior to the proceeding in which alimony is sought, and the spouses have lived separate and apart for one year, and the plaintiff or defendant in the proceeding has resided in this State for six months.

(3) The supporting spouse has engaged in an unnatural or abnormal sex act with a person of the same sex or of a different sex or with a beast.

(4) The supporting spouse abandons the dependent spouse.

(5) The supporting spouse maliciously turns the dependent spouse out of doors.

(6) The supporting spouse by cruel or barbarous treatment endangers the life of the dependent spouse.

(7) The supporting spouse offers such indignities to the person of the dependent spouse as to render his or her condition intolerable and life burdensome.

(8) The supporting spouse is a spendthrift.

(9) The supporting spouse is an excessive user of alcohol or drugs so as to render the condition of the dependent spouse intolerable and the life of the dependent spouse burdensome.

(10) The supporting spouse wilfully fails to provide the dependent spouse with necessary subsistence according to his or her means and condition so as to render the condition of the dependent spouse intolerable and the life of the dependent spouse burdensome."

"§ 50-16.3. Grounds for Alimony Pendente Lite. (a) A dependent spouse who is a party to an action for absolute divorce, divorce from bed

and board, annulment, or alimony without divorce, shall be entitled to an order for alimony pendente lite when:

(1) It shall appear from all the evidence presented pursuant to G. S. 50-16.8(f), that such spouse is entitled to the relief demanded by such spouse in the action in which the application for alimony pendente lite is made, and

(2) It shall appear that the dependent spouse has not sufficient means whereon to subsist during the prosecution or defense of the suit and to defray the necessary expenses thereof.

"(b) The determination of the amount and the payment of alimony pendente lite shall be in the same manner as alimony, except that the same shall be limited to the pendency of the suit in which the application is made."

"§ 50-16.4. Counsel Fees in Actions for Alimony. At any time that a dependent spouse would be entitled to alimony pendente lite pursuant to G. S. 50-16.3, the court may, upon application of such spouse, enter an order for reasonable counsel fees for the benefit of such spouse, to be paid and secured by the supporting spouse in the same manner as alimony."

"§ 50-16.5. Determination of Amount of Alimony. (a) Alimony shall be in such amount as the circumstances render necessary, having due regard to the estates, earnings, earning capacity, condition, accustomed standard of living of the parties, and other facts of the particular case.

"(b) Except as provided in G. S. 50-16.6 in case of adultery, the fact that the dependent spouse has committed an act or acts which would be grounds for alimony if such spouse were the supporting spouse shall be grounds for disallowance of alimony or reduction in the amount of alimony when pleaded in defense by the supporting spouse."

"§ 50-16.6. When Alimony Not Payable. (a) Alimony or alimony pendente lite shall not be payable when adultery is pleaded in bar of demand for alimony or alimony pendente lite, made in an action or cross action, and the issue of adultery is found against the spouse seeking alimony, but this shall not be a bar to reasonable counsel fees.

"(b) Alimony, alimony pendente lite, and counsel fees may be barred by an express provision of a valid separation agreement so long as the agreement is performed."

"§ 50-16.7. How Alimony and Alimony Pendente Lite Paid; Enforcement of Decree. (a) Alimony or alimony pendente lite shall be paid by lump sum payment, periodic payments, or by transfer of title or possession of personal property or any interest therein, or a security interest in or possession of real property, as the court may order. In every case in which either alimony or ailmony pendente lite is allowed and provision is also made for support of minor children, the order shall separately state and identify each allowance.

"(b) The court may require the supporting spouse to secure the payment of alimony or alimony pendente lite so ordered by means of a bond, mortgage, or deed of trust, or any other means ordinarily used to secure an obligation to pay money or transfer property, or by requiring the supporting spouse to execute an assignment or wages, salary, or other income due or to become due.

"(c) If the court requires the transfer of real or personal property or an interest therein as a part of an order for alimony or alimony pendente lite as provided in subsection (a) or for the securing thereof, the court may also enter an order which shall transfer title, as provided in G. S. 1-227 and G. S. 1-228.

"(d) The remedy of arrest and bail, as provided in Article 34 of Chapter 1 of the General Statutes, shall be available in actions for alimony or alimony pendente lite as in other cases.

"(e) The remedies of attachment and garnishment, as provided in Article 35 of Chapter 1 of the General Statutes, shall be available in actions for alimony or alimony pendente lite as in other cases, and for such purposes the dependent spouse shall be deemed a creditor of the supporting spouse.

"(f) The remedy of injunction, as provided in Article 37 of Chapter 1 of the General Statutes, shall be available in actions for alimony or alimony pendente lite as in other cases.

"(g) Receivers, as provided in Article 38 of Chapter 1 of the General Statutes, may be appointed in actions for alimony or alimony pendente lite as in other cases.

"(h) A dependent spouse for whose benefit an order for the payment of alimony or alimony pendente lite has been entered shall be a creditor within the meaning of Article 3 of Chapter 39 of the General Statutes pertaining to fraudulent conveyances.

"(i) A judgment for alimony or alimony pendente lite obtained in an action therefor shall not be a lien against real property unless the judgment expressly so provides, sets out the amount of the lien in a sum certain, and adequately describes the real property affected; but past-due periodic payments may by motion in the cause or by a separate action be reduced to judgment which shall be a lien as other judgments.

"(j) The wilful disobedience of an order for the payment of alimony or alimony pendente lite shall be punishable as for contempt as provided by G. S. 5-8 and G. S. 5-9.

"(k) The remedies provided by Chapter 1 of the General Statutes Article 28, Execution; Article 29B, Execution Sales; and Article 31, Supplemental Proceedings, shall be available for the enforcement of judgments for alimony and alimony pendente lite as in other cases, but amounts so payable shall not constitute a debt as to which property is exempt from execution as provided in Article 32 of Chapter 1 of the General Statutes.

"(l) The specific enumeration of remedies in this Section shall not constitute a bar to remedies otherwise available."

"§ 50-16.8. Procedure in Actions for Alimony and Alimony Pendente Lite. (a) The procedure in actions for alimony and actions for alimony pendente lite shall be as in other civil actions except as provided in this Section.

"(b) Payment of alimony may be ordered:

(1) Upon application of the dependent spouse in an action by such spouse for divorce, either absolute or from bed and board; or

(2) Upon application of the dependent spouse in a separate action instituted for the purpose of securing an order for alimony without divorce; or

(3) Upon application of the dependent spouse as a cross action in a suit for divorce, whether absolute or from bed and board, or a proceeding for alimony without divorce, instituted by the other spouse.

"(c) A cross action for divorce, either absolute or from bed and board, shall be allowable in an action for alimony without divorce.

"(d) Payment of alimony pendente lite may be ordered:

(1) Upon application of the dependent spouse in an action by such spouse for absolute divorce, divorce from bed and board, annulment, or for alimony without divorce; or

(2) Upon application of the dependent spouse as a cross action in a suit for divorce, whether absolute or from bed and board, annulment, or for alimony without divorce, instituted by the other spouse.

"(e) No order for alimony pendente lite shall be made unless the supporting spouse shall have had five days' notice thereof; but if the supporting spouse shall have abandoned the dependent spouse and left the State, or shall be in parts unknown, or is about to remove or dispose of his or her property for the purpose of defeating the claim of the dependent spouse, no notice is necessary.

"(f) When an application is made for alimony pendente lite, the parties shall be heard orally, upon affidavit, verified pleading, or other proof, and the judge shall find the facts from the evidence so presented.

"(g) When a district court having jurisdiction of the matter shall have been established, application for alimony pendente lite shall be made to such district court, and may be heard without a jury by a judge of said court at any time. Until a district court having jurisdiction shall have been established, application for alimony pendente lite may be made to a resident judge of superior court, a judge regularly holding the superior courts of the district in which the action is brought, any judge holding a session of superior court, either civil or criminal, in the district including the county in which the action is brought or a special judge of superior court residing in the district. Such application in the superior court may be heard in or out of session. If a court other than the superior court has jurisdiction over such application at the time of the application, such jurisdiction shall not be affected by this subsection 50-16.8(g).

"(h) In any case where a claim is made for alimony without divorce, when there is a minor child, the pleading shall set forth the name and age of each such child; and if there be no minor child, the pleading shall so state.

"§ 50-16.9. Modification of Order. (a) An order of a court of this State for alimony or alimony pendente lite, whether contested or entered by consent, may be modified or vacated at any time, upon motion in the cause and a showing of changed circumstances by either party or anyone interested. This Section shall not apply to orders entered by consent before October 1, 1967.

"(b) If a dependent spouse who is receiving alimony under a judgment or order of a court of this State shall remarry, said alimony shall terminate.

"(c) When an order for alimony has been entered by a court of another jurisdiction, a court of this State may, upon gaining jurisdiction over the person of both parties in a civil action instituted for that purpose, and

upon a showing of changed circumstances, enter a new order for alimony which modifies or supersedes such order for alimony to the extent that it could have been so modified in the jurisdiction where granted.

"§ 50-16.10. Alimony Without Action. Alimony without action may be allowed by confession of judgment under Article 24, Chapter 1, of the General Statutes."

Sec. 3. G. S. 50-11, as the same appears in the 1965 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"§ 50-11. Effects of Absolute Divorce. (a) After a judgment of divorce from the bonds of matrimony, all rights arising out of the marriage shall cease and determine except as hereinafter set out, and either party may marry again without restriction arising from the dissolved marriage.

"(b) No judgment of divorce shall render illegitimate any child in esse, or begotten of the body of the wife during coverture.

"(c) Except in case of divorce obtained with personal service on the defendant spouse, either within or without the State, upon the grounds of the adultery of the dependent spouse and except in case of divorce obtained by the dependent spouse in an action initiated by such spouse on the ground of separation for the statutory period a decree of absolute divorce shall not impair or destroy the right of a spouse to receive alimony and other rights provided for such spouse under any judgment or decree of a court rendered before or at the time of the rendering of the judgment for absolute divorce.

"(d) A divorce obtained outside the State in an action in which jurisdiction over the person of the dependent spouse was not obtained shall not impair or destroy the right of the dependent spouse to alimony as provided by the laws of this State."

Sec. 4. G. S. 1-440.2 is hereby amended to read as follows: "Attachment may be had in any action the purpose of which, in whole or in part, or in the alternative, is to secure a judgment for money, or in any action for alimony or for maintenance and support, but not in any other action."

Sec. 5. G. S. 6-21 as the same appears in the 1965 Cumulative Supplement to Volume 1B of the General Statutes is hereby amended by striking out the period at the end of the last sentence thereof, inserting a semicolon in lieu thereof, and adding the words, "provided that attorneys' fees in actions for alimony shall not be included in the costs as provided herein, but shall be determined and provided for in accordance with G. S. 50-16.4".

Sec. 6. G. S. 1-410(5) is hereby amended to read as follows: "When the defendant has removed, or disposed of his property, or is about to do so, with intent to defraud his creditors. The term 'creditors' shall include, but not by way of limitation, a dependent spouse who claims alimony."

Sec. 7. G. S. 50-7, subdivision 5, is hereby amended to read as follows: "5. Becomes an excessive user of alcohol or drugs so as to render the condition of the other spouse intolerable and the life of that spouse burdensome."

Sec. 8. G. S. 50-5, subdivision 5, is hereby amended to read as follows: "5. If either party has engaged in an unnatural or abnormal sex act with a person of the same sex or of a different sex or with a beast."

Sec. 9. This Act shall not apply to pending litigation.

Sec. 10. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after October 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 107 CHAPTER 1153

AN ACT TO REWRITE THE STATUTES RELATING TO CUSTODY AND SUPPORT OF MINOR CHILDREN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 17-39, G. S. 17-39.1, G. S. 17-40, G. S. 50-13, and G. S. 50-16 are hereby repealed.

Sec. 2. Chapter 50 of the General Statutes is hereby amended by inserting the following Sections:

§ 50-13.1. Action or Proceeding for Custody of Minor Child. Any parent, relative, or other person, agency, organization or institution claiming the right to custody of a minor child may institute an action or proceeding for the custody of such child, as hereinafter provided.

§ 50-13.2. Who Entitled to Custody; Terms of Custody; Taking Child Out of State. (a) An order for custody of a minor child entered pursuant to this Section shall award the custody of such child to such person, agency, organization or institution as will, in the opinion of the judge, best promote the interest and welfare of the child.

(b) An order for custody of a minor child may grant exclusive custody of such child to one person, agency, organization or institution, or, if clearly in the best interest of the child, provide for custody in two or more of the same, at such times and for such periods as will in the opinion of the judge best promote the interest and welfare of the child.

(c) An order for custody of a minor child may provide for such child to be taken outside of the State, but if the order contemplates the return of the child to this State, the judge may require the person, agency, organization or institution having custody out of this State to give bond or other security conditioned upon the return of the child to this State in accordance with the order of the court.

§ 50-13.3. Enforcement of Order for Custody. (a) The wilful disobedience of an order providing for the custody of a minor child shall be punishable as for contempt as provided by G. S. 5-8 and G. S. 5-9.

(b) Any court of this State having jurisdiction to make an award of custody of a minor child in an action or proceeding therefor, shall have the power of injunction in such action or proceeding as provided in Article 37 of Chapter 1 of the General Statutes.

§ 50-13.4. Action for Support of Minor Child. (a) Any parent, or any person, agency, organization or institution having custody of a minor child, or bringing an action or proceeding for the custody of such child, or a minor child by his guardian may institute an action for the support of such child as hereinafter provided.

(b) In the absence of pleading and proof that circumstances of the case otherwise warrant, the father, the mother, or any person, agency, organization or institution standing in loco parentis shall be liable, in that order, for the support of a minor child. Such other circumstances may include, but shall not be limited to, the relative ability of all the above-mentioned parties to provide support or the inability of one or more of them to provide support, and the needs and estate of the child. Upon proof of such circumstances the judge may enter an order requiring any one or more of the above-mentioned parties to provide for the support of the child, as may be appropriate in the particular case, and if appropriate the court may authorize the application of any separate estate of the child to his support.

(c) Payments ordered for the support of a minor child shall be in such amount as to meet the reasonable needs of the child for health, education, and maintenance, having due regard to the estates, earnings, conditions, accustomed standard of living of the child and the parties, and other facts of the particular case.

(d) Payments for the support of a minor child shall be ordered to be paid to the person having custody of the child or any other proper person, agency, organization or institution, or to the court, for the benefit of such child.

(e) Payment for the support of a minor child shall be paid by lump sum payment, periodic payments, or by transfer of title or possession of personal property or any interest therein, or a security interest in real property, as the court may order. In every case in which payment for the support of a minor child is ordered and alimony or alimony pendente lite is also ordered, the order shall separately state and identify each allowance.

(f) Remedies for enforcement of support of minor children shall be available as herein provided.

(1) The court may require the person ordered to make payments for the support of a minor child to secure the same by means of a bond, mortgage or deed of trust, or any other means ordinarily used to secure an obligation to pay money or transfer property, or by requiring the execution of an assignment of wages, salary or other income due or to become due.

(2) If the court requires the transfer of real or personal property or an interest therein as provided in subsection (e) as a part of an order for payment of support for a minor child, or for the securing thereof, the court may also enter an order which shall transfer title as provided in G. S. 1-227 and G. S. 1-228.

(3) The remedy of arrest and bail, as provided in Article 34 of Chapter 1 of the General Statutes, shall be available in actions for child support payments as in other cases.

(4) The remedies of attachment and garnishment, as provided in Article 35 of Chapter 1 of the General Statutes, shall be available in an action for child support payments as in other cases, and for such purposes the child or person bringing an action for child support shall be deemed a creditor of the defendant.

(5) The remedy of injunction, as provided in Article 37 of Chapter 1 of the General Statutes, shall be available in actions for child support as in other cases.

(6) Receivers, as provided in Article 38 of Chapter 1 of the General Statutes, may be appointed in actions for child support as in other cases.

(7) A minor child or other person for whose benefit an order for the payment of child support has been entered shall be a creditor within the meaning of Article 3 of Chapter 39 of the General Statutes pertaining to fraudulent conveyances.

(8) A judgment for child support shall not be a lien against real property unless the judgment expressly so provides, sets out the amount of the lien in a sum certain, and adequately describes the real property affected; but past due periodic payments may by motion in the cause or by a separate action be reduced to judgment which shall be a lien as other judgments.

(9) The wilful disobedience of an order for the payment of child support shall be punishable as for contempt as provided by G. S. 5-8 and G. S. 5-9.

(10) The remedies provided by Chapter 1 of the General Statutes, Article 28, Execution; Article 29B, Execution Sales; and Article 31, Supplemental Proceedings, shall be available for the enforcement of judgments for child support as in other cases, but amounts so payable shall not constitute a debt as to which property is exempt from execution as provided in Article 32 of Chapter 1 of the General Statutes.

(11) The specific enumeration of remedies in this Section shall not constitute a bar to remedies otherwise available.

§ 50-13.5. Procedure in Actions for Custody or Support of Minor Children. (a) Procedure. The procedure in actions for custody and support of minor children shall be as in civil actions, except as herein provided. The procedure in habeas corpus proceedings for custody and support of minor children shall be as in other habeas corpus proceedings, except as herein provided. In this Section 50-13.5 the words "custody and support" shall be deemed to include custody or support, or both.

(b) Type of Action. An action brought under the provisions of this Section may be maintained as follows:

(1) As a civil action.

(2) By writ of habeas corpus, and the parties may appeal from the final judgment therein as in civil actions.

(3) Joined with an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(4) As a cross action in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(5) By motion in the cause in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(6) Upon the court's own motion in an action for annulment, or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(7) In any of the foregoing the judge may issue an order requiring that the body of the minor child be brought before him.

(c) Jurisdiction in Actions or Proceedings for Child Support and Child Custody.

(1) The jurisdiction of the courts of this State to enter orders providing for the support of a minor child shall be as in actions or proceedings for the payment of money or the transfer of property.

(2) The courts of this State shall have jurisdiction to enter orders providing for the custody of a minor child when:

a. The minor child resides, has his domicile, or is physically present in this State, or

b. When the court has personal jurisdiction of the person, agency, organization, or institution having actual care, control, and custody of the minor child.

(3) The respective rights of persons, agencies, organizations, or institutions claiming the right to custody of a minor child may be adjudicated even though the minor child is not actually before the court.

(4) Jurisdiction acquired under subdivisions (2) and (3) hereof shall not be divested by a change in circumstances while the action or proceeding is pending.

(5) If at any time a court of this State having jurisdiction of an action or proceeding for the custody of a minor child finds as a fact that a court in another State has assumed jurisdiction to determine the matter, and that the best interests of the child and the parties would be served by having the matter disposed of in that jurisdiction, the court of this State may, in its discretion, refuse to exercise jurisdiction, and dismiss the action or proceeding or may retain jurisdiction and enter such orders from time to time as the interest of the child may require.

(6) If at any time a court of this State having jurisdiction of an action or proceeding for the custody of a minor child finds as a fact that it would not be in the best interests of the child, or that it would work substantial injustice, for the action or proceeding to be tried in a court of this State, and that jurisdiction to determine the matter has not been assumed by a court in another state, the judge, on motion of any party, may enter an order to stay further proceedings in the action in this State. A moving party under this subdivision must stipulate his consent to suit in another jurisdiction found by the judge to provide a convenient, reasonable and fair place of trial. The court may retain jurisdiction of the matter for such time and upon such terms as it provides in its order.

(d) Service of Process; Notice; Interlocutory Orders.

(1) Service of process in civil actions or habeas corpus proceedings for the custody of minor children shall be as in other civil actions or habeas corpus proceedings. Motions for custody or support of a minor child in a pending action may be made on five days' notice to the other parties and compliance with G. S. 50-13.5 (e).

(2) If the circumstances of the case render it appropriate, upon gaining jurisdiction of the minor child the court may enter orders for the temporary custody and support of the child, pending the service of process or notice as herein provided.

(e) Notice to Additional Persons in Custody Actions and Proceedings; Intervention.

(1) The parents of the minor child whose addresses are reasonably ascertainable; any person, agency, organization or institution having actual care, control, or custody of a minor child; and any person, agency, organization or institution required by court order to provide for the support of a minor child, either in whole or in part, not named as parties and served with process in an action or proceeding for the custody of such child, shall be given notice by the party raising the issue of custody.

(2) The notice herein required shall be in the manner provided by the rules of civil procedure for the service of notices in actions. Such notice shall advise the person to be notified of the name of the child, the names of the parties to the action or proceeding, the court in which the action or proceeding was instituted, and the date thereof.

(3) In the discretion of the court, failure of such service of notice shall not affect the validity of any order or judgment entered in such action or proceeding.

(4) Any person required to be given notice as herein provided may intervene in an action or proceeding for custody of a minor child by filing in apt time notice of appearance or other appropriate pleadings.

(f) Venue. An action or proceeding in the courts of this State for custody and support of a minor child may be maintained in the county where the child resides or is physically present or in a county where a parent resides, except as hereinafter provided. If an action for annulment, for divorce, either absolute or from bed and board, or for alimony without divorce has been previously instituted in this State, until there has been a final judgment in such case, any action or proceeding for custody and support of the minor children of the marriage shall be joined with such action or be by motion in the cause in such action. If an action or proceeding for the custody and support of a minor child has been instituted and an action for annulment or for divorce, either absolute or from bed and board, or for alimony without divorce is subsequently instituted in the same or another county, the court having jurisdiction of the prior action or proceeding may, in its discretion direct that the action or proceeding for custody and support of a minor child be consolidated with such subsequent action, and in the event consolidation is ordered, shall determine in which court such consolidated action or proceeding shall be heard.

(g) Custody and Support Irrespective of Parents' Rights Inter Partes. Orders for custody and support of minor children may be entered when the matter is before the court as provided by this Section, irrespective of the rights of the wife and the husband as between themselves in an action for annulment or an action for divorce, either absolute or from bed and board, or an action for alimony without divorce.

(h) Court Having Jurisdiction. When a district court having jurisdiction of the matter shall have been established, actions or proceedings for custody and support of minor children shall be heard without a jury by the judge of such district court, and may be heard at any time. Until a district court having jurisdiction shall have been established, actions or proceedings for custody and support of minor children shall be heard by

a resident judge of superior court, a judge regularly holding the superior courts of the district in which the action or proceeding is brought, any judge holding a session of superior court, either civil or criminal, in the district including the county in which the action or proceeding is brought or a special judge of superior court residing in the district. Such action or proceeding may be heard in or out of session. If a court other than the superior court has jurisdiction over such action or proceeding, such jurisdiction shall not be affected by this subsection 50-13.5 (h).

§ 50-13.6. Counsel Fees in Actions for Custody and Support of Minor Children. In an action or proceeding for the custody or support, or both, of a minor child the court may in its discretion allow reasonable attorney's fees to a dependent spouse, as defined in G. S. 50-16.1, who has insufficient means to defray the expenses of the suit.

§ 50-13.7. Modification of Order for Child Support or Custody. (a) An order of a court of this State for custody or support, or both, of a minor child may be modified or vacated at any time, upon motion in the cause and a showing of changed circumstances by either party or anyone interested.

(b) When an order for custody or support, or both, of a minor child has been entered by a court of another state, a court of this State may, upon gaining jurisdiction, and upon a showing of changed circumstances, enter a new order for support or custody which modifies or supersedes such order for custody or support.

§ 50-13.8. Custody and Support of Person Incapable of Self-Support Upon Reaching Majority. For the purposes of custody and support, the rights of a person who is mentally or physically incapable of self-support upon reaching his majority shall be the same as a minor child for so long as he remains mentally or physically incapable of self-support.

Sec. 3. G. S. 1-440.2, as the same appears in Volume 1A of the General Statutes is hereby amended by inserting the words "or an action for the support of a minor child," after the word "support" and before the word "but" in the fourth line thereof.

Sec. 4. G. S. 1-410 (5) is hereby amended by adding at the end thereof the following provision: "The term 'creditors' shall include, but not by way of limitation, a minor child entitled to an order for support".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 7. This Act shall be in full force and effect from and after October 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 153 **CHAPTER 1154**

AN ACT TO CREATE THE OFFICE OF CHIEF MEDICAL EXAMINER AND TO PROVIDE FOR A STATEWIDE SYSTEM FOR POST-MORTEM MEDICOLEGAL EXAMINATIONS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 130 of the General Statutes of North Carolina is hereby amended by rewriting all of Article 21 thereof, to read as follows:

"ARTICLE 21

Chief Medical Examiner; Post-Mortem Medicolegal Examinations.

"§ 130-192. Chief Medical Examiner; Appointment; Vacancy. There is hereby created, under the State Board of Health, the office of Chief Medical Examiner. The State Board of Health is authorized and directed to appoint a Chief Medical Examiner who shall serve for a term of four years and until his successor has been appointed and qualified. The Chief Medical Examiner shall take an oath and enter into bond in the sum of five thousand dollars ($5,000.00) before entering upon the duties of his office.

"Any vacancy in the office of Chief Medical Examiner shall be filled by the State Board of Health for the unexpired term. The Board may remove the Chief Medical Examiner from office for cause.

"The Chief Medical Examiner shall be a skilled pathologist and eligible to be licensed as a doctor of medicine. His salary shall be fixed by the Governor and the Advisory Budget Commission, and he shall receive such travel expenses as allowed other State employees by law.

"§ 130-193. Central and District Offices and Laboratories. The State Board of Health shall establish and maintain, under the supervision of the Chief Medical Examiner, a central office and a laboratory in the City of Raleigh or Chapel Hill, North Carolina, and with the approval of the Governor first obtained, such district offices and laboratories in such localities in the State as are deemed necessary, having adequate professional and technical personnel and physical facilities for the conduct of post-mortem examinations and of such pathological, bacteriological and toxicological investigations as may be necessary or proper. The State Board of Health shall provide the Chief Medical Examiner with such furniture, equipment, records and supplies as may be required in the conduct of this office. The State Board of Health may, if deemed advisable to do so, contract with the Medical School of the University of North Carolina for the use of certain of its laboratories, its morgue and other technical facilities, and space in one of its buildings as a central office and laboratory for the Chief Medical Examiner and his staff.

"§ 130-194. Assistants and Employees. The Chief Medical Examiner, with the approval of the State Board of Health, may employ such clerical and other assistants as are necessary for the performance of the duties of his office. All persons appointed by the Chief Medical Examiner shall be responsible to him and may be removed by him for any reasonable cause.

"§ 130-195. Certain Salaries and Expenses Paid by the State. The salaries of the Chief Medical Examiner, and the technical and clerical

personnel in the central office and laboratory, the expenses of maintaining the central office and laboratory, the cost of pathological, bacteriological and toxicological services rendered by others than the Chief Medical Examiner and his assistants, and the traveling and other expenses of the personnel of the central and district offices and laboratories, shall be paid by the State out of funds appropriated for the purpose.

"§ 130-196. Additional Services and Facilities. In order to provide proper facilities for investigating the causes of deaths as authorized in this Article the State Board of Health may employ and pay qualified pathologists and toxicologists to make autopsies and such other pathological and chemical studies and investigations as may be deemed necessary or advisable by the Chief Medical Examiner, and may arrange for the use of existing public or private laboratory facilities for such purposes wherever these are available.

"§ 130-197. County Medical Examiners; Appointment; Term of Office and Vacancies. The Chief Medical Examiner shall appoint for each county in the State one or more medical examiners to serve for terms of three years and until their successors are appointed by the Chief Medical Examiner and have qualified. All vacancies in the office of Medical Examiner shall be filled by the Chief Medical Examiner for the unexpired terms. Each medical examiner shall be appointed from a list of two or more licensed doctors of medicine submitted by the component medical society of the county in which the appointment is to be made, or of the district in which the county is located. If no list of names is submitted by the society, the Chief Medical Examiner shall appoint a medical examiner or medical examiners from a list of licensed medical doctors of such county. In the event a licensed doctor will not accept an appointment as medical examiner in a county, the Chief Medical Examiner is authorized to appoint the coroner as acting medical examiner to serve until such time as the vacancy can be filled. In the event the medical examiner of any county, on account of illness or enforced absence or personal interest is unable to serve in any particular case or for a temporary period of time, the Chief Medical Examiner shall then designate some other qualified doctor of medicine in such county, or the coroner, to serve in the place of the regular medical examiner in making any examination or report required.

"§ 130-198. Medical Examiners to be Notified of Certain Deaths. Upon the death of any person, apparently by criminal act or default, or apparently by suicide, or while an inmate of any penal or correctional institution, or under any suspicious, unusual or unnatural circumstances, the medical examiner of the county in which the body of the deceased is found shall be notified by the physician in attendance, by any law enforcement officer having knowledge of such death, by the funeral director, by a member of the family of the deceased, by any person present, or by any person having knowledge of such death. No person shall disturb the body at the scene of death until authorized by the county medical examiner.

"A similar procedure shall be followed upon discovery of anatomical material suspected of being or determined to be a part or parts of a human body.

"§ 130-199. Duties of Medical Examiners Upon Receipt of Notice; Reports; Fees. Upon receipt of such notice the medical examiner shall take charge of the dead body, make inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose, retaining one copy of such report for his own; delivering copies to the District Solicitor of the Superior Court, and upon request to a defendant in a criminal action, or any party in a civil action. Full directions as to the nature, character and extent of the investigation to be made in such cases shall be furnished the medical examiner by the Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their use. For each investigation under this Article, including the making of the required reports, the medical examiner shall receive a fee of twenty-five dollars ($25.00), to be paid by the State unless the deceased is a legal resident of the county in which his death occurred, in which event such county shall be responsible for the fee. The medical examiner is authorized to issue subpoenas for any person or persons to appear during the investigation.

"§ 130-200. When Autopsies and Other Pathological Examinations to be Performed. If, in the opinion of the Chief Medical Examiner or the medical examiner of the county wherein the body or anatomical material is first found under any of the circumstances set forth in G. S. 130-198, it is advisable and in the public interest that an autopsy or other pathologic study be made, or if an autopsy or other pathologic study is requested by the Superior Court Solicitor or by any Superior Court Judge on his own motion, or on a motion of any party, such autopsy or pathological study shall be made by the Chief Medical Examiner or by a competent pathologist designated by him, and a copy of the autopsy report shall be furnished the solicitor, judge, and requesting party.

"In any case of death under circumstances set forth in § 130-198 where a body shall be buried without a medical examination being made as specified in § 130-199, or in any case where a body shall be cremated except in compliance with the provisions of this Article, it shall be the duty of the medical examiner of the county in which the body is buried or was cremated, upon being advised of such facts, to notify the Superior Court Solicitor who shall communicate the same to any resident special, or assigned Judge of the Superior Court, and such Judge may order that the body or the remains be exhumed and an examination or autopsy performed thereon by the Chief Medical Examiner or a competent pathologist or toxicologist appointed by the Chief Medical Examiner. The pertinent facts disclosed by the examination or autopsy shall be communicated to the Solicitor of the Superior Court and the Judge who ordered it, for such action thereon as he, or the court of which he is Judge, deems proper. A copy of the report of the examination or autopsy findings and interpretations shall be filed with the Superior Court Solicitor: Provided, that a copy of said report shall be furnished to any other interested person upon order of a court of record after need therefor has been shown. If the deceased is a resident of the county where death occurred, the cost of the autopsy or pathological study shall be paid by the county; otherwise, the

State Board of Health shall pay the expense of the autopsy or pathological study.

"§ 130-201. Rules and Regulations. The Chief Medical Examiner, subject to the approval of the State Board of Health, shall make, amend, repeal and promulgate the necessary rules and regulations and procedures to carry out the intent and purposes of this Article. The facilities of the central laboratory and the services of its professional staff shall be made available to the county medical examiners in their investigations.

"§ 130-202. Reports and Records Received as Evidence. Reports of investigations made by the Chief Medical Examiner or his assistants or by medical examiners, and the records and reports of autopsies made under the authority of this Article, may be received as corroborative evidence, if admissible, in any court or other proceeding and copies of records, photographs, laboratory findings and records in the office of the Chief Medical Examiner or any medical examiner, when duly attested by the Chief Medical Examiner, or one of his assistant chief medical examiners, or the medical examiner in whose office the same are, shall be received as evidence in any court or other proceeding for any purpose for which the original could be received without any proof of the official character of the person whose name is signed thereto.

"§ 130-202.1. When Medical Examiner's Permission Necessary Before Embalming, Burial and Cremation. (a) In any case where it is the duty of the county medical examiner to view the body and investigate the death of a deceased person as herein provided, it shall be unlawful to embalm the said body until the written permission of the county medical examiner has first been obtained, and such county medical examiner shall make the certificate of death required for a burial-transit permit, stating thereon the name of the disease causing death; or, if from external causes,

(1) the means of death, and

(2) whether (probably) accidental, suicidal, homicidal; and shall, in any case, furnish such information as may be required by the State Registrar of Vital Statistics in order properly to classify the death.

(b) It shall be unlawful to embalm or to bury a dead body, or to issue a burial-transit permit, when any fact within the knowledge of, or brought to the attention of, the embalmer, the funeral director, or the local registrar of vital statistics charged with the issuance of burial-transit permits, is sufficient to arouse suspicion of crime in connection with the death of the deceased, until the written permission of the county medical examiner has first been obtained.

(c) No burial-transit permit for cremation of a body shall be issued by the local registrar charged therewith and no cremation of a body shall be carried out until the county medical examiner shall have certified in writing that he has made inquiry into the cause and manner of death and is of the opinion that no further examination concerning the same is necessary.

"§ 130-202.2. Coroner to Hold Inquests. In every case requiring the medical examiner to be notified, as provided by § 130-198, the coroner shall be notified by the medical examiner, and the coroner shall hold an inquest and preliminary hearing in those instances as required in § 152-7. The coroner shall file a written report of his investigation with the Solicitor of

the Superior Court and the county medical examiner. The body shall remain in the custody and control of the medical examiner."

Sec. 2. § 90-210.7, appearing in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by deleting the word "coroner" in line six and inserting in lieu thereof the words "medical examiner".

Sec. 3. § 90-213, appearing in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by rewriting the last sentence to read as follows: "Provided, that nothing in this Article shall restrict or limit the provisions of Article 21 of the General Statutes, entitled "Chief Medical Examiner; Post-Mortem Medicolegal Examinations."

Sec. 4. § 90-217, appearing in the 1965 Replacement Volume 2C of the General Statutes, is hereby amended by placing a comma after the word "deceased" in line 3, and by deleting from lines 3, 4 and 5 the following words: "cases where a coroner or the majority of a coroner's jury deem it necessary upon an inquest to have such an autopsy".

Sec. 5. § 130-47, appearing in the 1964 Replacement Volume 3B of the General Statutes, is hereby rewritten to read as follows:

"§ 130-47. Death Without Medical Attendance; Duty of Funeral Directors and Officials; Approval Required Before Cremation. In case of death without medical attendance, it shall be the duty of the funeral director or person acting as such, and any other person having knowledge of such death, to notify the local medical examiner and local registrar of such death. No burial-transit permit shall be issued until the medical examiner has completed his investigation and certification. If there is no local medical examiner, the registrar shall refer the case to the Chief Medical Examiner for investigation and certification of death. The certificate of death, required for a burial-transit permit, shall state therein the name of deceased, the disease causing death, or, if from external causes, the means of death, whether probably accidental, suicidal, or homicidal, and such other information as may be required by the State Registrar in order to properly classify the death.

"No cremation of a dead body, in case of death without medical attendance, shall take place until the medical examiner has made inquiry into the cause and manner of death and has certified in writing that the inquiry has been made and in his opinion no further examination is necessary."

Sec. 6. § 152-5, appearing in the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by deleting all of the last sentence thereof.

§ 152-7(1) is hereby amended by rewriting the last sentence of said subsection to read as follows: "A written report of said investigation shall be filed by the coroner with the medical examiner and the Solicitor of the Superior Court."

§ 152-7(6) is hereby amended by rewriting said subsection to read as follows: "Immediately upon information of the death of a person within his county, under such circumstances as call for an investigation as provided in § 130-198, the coroner shall notify the Solicitor of the Superior Court and the medical examiner."

§ 152-7(7) is amended by rewriting said subsection to read as follows: "(7) If an inquest or preliminary hearing be ordered, to arrange for the examination of any and all witnesses including those who may be offered by the county medical examiner."

§ 152-7(9) is hereby rewritten to read as follows: "(9) To hold his inquiry where the body of the deceased shall be or at any other place in the county, and the body of the deceased need not be present at such hearing. The hearing may be adjourned to other times and places."

§ 152-7(10) is hereby amended by rewriting the last sentence thereof to read as follows: "The coroner shall file a copy of all written testimony given at the hearing with the county medical examiner and with the Solicitor of the Superior Court."

Sec. 7. To effectuate the purposes of this Article, there is hereby appropriated to the State Board of Health, from the General Fund of the State, the sum of forty-two thousand five hundred dollars ($42,500.00) for the fiscal year commencing July 1, 1967, and ending June 30, 1968, and the sum of forty-two thousand five hundred dollars ($42,500.00) for the fiscal year commencing July 1, 1968, and ending June 30, 1969.

Sec. 8. Chapter 152A, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3C of the General Statutes, and all laws and clauses of laws, including local or special Acts, in conflict with this Act are hereby repealed on July 1, 1969.

Sec. 9. This Act shall become effective on January 1, 1968; provided, however, that the appropriation provided for herein, for the purpose of employing personnel and making the necessary preparation to effectuate the purposes of this Act by January 1, 1968, shall be effective July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 394 CHAPTER 1155

AN ACT AMENDING G. S. 20-279.34 SO AS TO INCREASE THE MINIMUM AND MAXIMUM AMOUNTS OF MOTOR VEHICLE LIABILITY INSURANCE ON THE ASSIGNED RISK PLAN.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.34, as the same appears in the 1965 Supplement to Volume 1C of the General Statutes, is amended by striking from the fifth paragraph thereof in line 25 the words and figures "ten thousand dollars ($10,000.00)" and substituting in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00)", and by striking from line 27 thereof the words and figures "twenty thousand dollars ($20,000.00)" and substituting in lieu thereof the words and figures "thirty thousand dollars ($30,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 413 **CHAPTER 1156**

AN ACT TO AMEND ARTICLE 18 OF CHAPTER 160 OF THE GENERAL STATUTES TO REQUIRE PUBLIC NOTICE OF THE INTENDED ENACTMENT OF CERTAIN ORDINANCES BY MUNICIPALITIES.

The General Assembly of North Carolina do enact:

Section 1. Part 1 of Article 18 of Chapter 160 of the General Statutes of North Carolina is hereby amended by adding a new Section to the same to be designated as G. S. 160-200.1, to read as follows:

"G. S. 160-200.1. Validity of Ordinances Relating to Business Activity on Sundays; Public Hearings Required. No ordinance prohibiting business activity on Sundays, or regulating the hours of business activity on Sundays, shall be valid nor shall the same be enforced unless prior to its enactment the board of commissioners, other governing board or legislative body of the municipality shall have held a public hearing on the subject of regulating business activity on Sundays pursuant to public notice as hereinafter required which notice shall fix the date, hour and place of such public hearing; and such public notice shall contain a statement by or on behalf of such board or legislative body holding such hearing, of the intent, purpose, and one or more reasons for the enactment of the ordinance to be proposed for adoption at such public hearing; and public notice, public hearing, and reasonable opportunity for citizens to be heard shall be essential to the validity and enforcement of any such ordinance. The public notice herein provided for shall be published once each week for four successive weeks prior to the date of the public hearing in a newspaper published in the municipality. If there be no such newspaper, the municipality shall post the notice in at least five public places within the municipality for 27 days prior to the date of the public hearing; provided, this Section shall not apply to ordinances enacted pursuant to G. S. 18-107."

Sec. 2. No provision of this Act, nor any provision of G. S. 160-200.1 as enacted by this Act, shall be construed so as to apply to any municipal ordinance enacted prior to July 1, 1967.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after August 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 466 **CHAPTER 1157**

AN ACT TO GRANT THE NORTH CAROLINA BOARD OF WATER RESOURCES THE AUTHORITY, WITHIN CERTAIN PRESCRIBED LIMITATIONS, TO ADMINISTER THE LAW RELATING TO WELL CONSTRUCTION.

The General Assembly of North Carolina do enact:

Section 1. Short Title. This Act shall be known and may be cited as the North Carolina Well Construction Act.

Sec. 2. Findings and Policy. The General Assembly of North Carolina finds that improperly constructed, operated, maintained, or abandoned wells can adversely affect the public health and the ground-water resources of the State. Consistent with the duty to safeguard the public welfare, safety, health and to protect and beneficially develop the ground-water resources of this State, it is declared to be the policy of this State to require that the location, construction, repair, and abandonment of wells, and the installation of pumps and pumping equipment conform to such reasonable requirements as may be necessary to protect the public welfare, safety, health and ground-water resources.

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Abandoned well" means a well whose use has been discontinued, or which is in such a state of disrepair that continued use for obtaining ground water or other useful purpose is impracticable.

(b) "Aquifer" means a geologic formation, group of such formations, or a part of such a formation that is water bearing.

(c) "Artesian well" means a well tapping a confined or artesian aquifer.

(d) "Board" means the North Carolina Board of Water Resources or its successor, unless otherwise indicated.

(e) "Construction of wells" means all acts necessary to construct wells for any intended purpose or use, including the location and excavation of the well; placement of casings, screens and fittings; development and testing.

(f) "Installation of pumps and pumping equipment" means the procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all construction involved in making entrances to the well and establishing seals.

(g) "Municipality" means a city, town, county, district, or other public body created by or pursuant to State law, or any combination thereof acting cooperatively or jointly.

(h) "Nonpotable mineralized water" means brackish, saline, or other water containing minerals of such quantity or type as to render the water unsafe, harmful or generally unsuitable for human consumption and general use.

(i) "Person" shall mean any and all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.

(j) "Polluted water" means water containing organic or other contaminants of such type and quantity as to render it unsafe, harmful or unsuitable for human consumption and general use.

(k) "Pumps" and "pumping equipment" means any equipment or materials utilized or intended for use in withdrawing or obtaining ground water including well seals.

(l) "Repair" means work involved in deepening, reaming, sealing, installing or changing casing depths, perforating, screening, or cleaning,

acidizing or redevelopment of a well excavation, or any other work which results in breaking or opening the well seal.

(m) "Well driller," "driller" or "water well contractor" means any person, firm, or corporation engaged in the business of constructing wells.

(n) "Water supply well" means any well intended or usable as a source of water supply, but not to include a well constructed by an individual on land which is owned or leased by him, appurtenant to a single family dwelling, and intended for domestic use (including household purposes, farm livestock, or gardens).

(o) "Well" means any excavation that is cored, bored, drilled, jetted, dug or otherwise constructed for the purpose of locating, testing or withdrawing ground water or for evaluating, testing, developing, draining or recharging any ground-water reservoirs or aquifer, or that may control, divert, or otherwise cause the movement of water from or into any aquifer. Provided, however, this shall not include a well constructed by an individual on land which is owned or leased by him, appurtenant to a single family dwelling, and intended for domestic use (including household purposes, farm livestock, or gardens).

(p) "Well seal" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the upper terminal.

Sec. 4. Scope. No person shall construct, repair, or abandon, or cause to be constructed, repaired, or abandoned, any well, nor shall any person install, repair, or cause to be installed or repaired, any pump or pumping equipment contrary to the provisions of this Act and applicable rules and regulations, provided that this Act shall not apply to any distribution of water beyond the point of discharge from the pump.

Sec. 5. Authority to Adopt Rules, Regulations, and Procedures. The Board shall adopt, and may from time to time amend, rules and regulations not inconsistent with this Act governing the location, construction, repair, and abandonment of wells, and the installation and repair of pumps and pumping equipment, and shall be responsible for the administration of this Act. With respect thereto it shall:

(a) hold public hearings, upon not less than 30 days prior notice setting forth the date, place, and time of hearing, and the proposed rules and regulations to be considered at said public hearing, which notice shall be published in one or more newspapers having general circulation throughout the State, in connection with proposed rules and regulations and amendments thereto;

(b) enforce the provisions of this Act, and any rules and regulations not inconsistent with the provisions of this Article adopted pursuant thereto;

(c) establish procedures and forms for the submission, review, approval, and rejection of applications, notifications, and reports required under this Act; and

(d) issue such additional regulations as may be necessary to carry out the provisions of this Act.

Sec. 6. General Standards and Requirements. (a) Prior Permission. Prior permission shall be obtained from the Board for the construction of (1) any water well or of well systems with a designed capacity of one hundred thousand gallons per day or greater; and (2) of any well in a geographical area where the Board finds, after public hearings, such permission to be reasonably necessary to protect the ground-water resources and the public welfare, safety and health, taking into consideration other applicable State laws; provided, however, that the Board shall not reject any application under this subsection for permission to construct a well except upon the ground that the well would not be in compliance with a provision of this Act or with a rule or regulation of the Board adopted pursuant to the provisions of Section 5 of this Act. Notification of approval or rejection of an application for permission to construct a well shall be given the applicant within a period of 15 days after receipt of such application.

(b) Reports. Any person completing or abandoning any well shall furnish the Board a certified record of the construction or abandonment of such well within a period of 30 days after completion of construction or abandonment.

(c) Prevention of Contamination. Every well shall be constructed and maintained in a condition whereby it is not a source or channel of contamination of the ground-water supply or any aquifer. Contamination as used herein shall mean the act of introducing into water foreign materials of such a nature, quality, and quantity as to cause degradation of the quality of the water.

(d) Valves and Casing on Flowing Artesian Wells. Valves and casing on all flowing artesian wells shall be maintained in a condition so that the flow of water can be completely stopped when the well is not being put to a beneficial use. Valves shall be closed when a beneficial use is not being made.

(e) Access Port. Every water-supply well and such other wells, as may be specified by the Board, shall be equipped with a usable access port or air line and to be a minimum of 0.5 inch inside diameter opening so that the position of the water level can be determined at any time. Such port shall be installed and maintained in such manner as to prevent entrance of water or foreign material.

(f) Mineralized Water. Whenever a water-bearing stratum or aquifer that contains nonpotable mineralized water is encountered in well construction, the stratum shall be adequately cased or cemented off as conditions may require so that contamination of the overlying or underlying ground-water zones will not occur.

(g) Polluted Water. In constructing any well, all water-bearing zones that are known to contain polluted water shall be adequately cased or cemented off so that pollution of the overlying and underlying ground-water zones will not occur.

(h) Well Test. Every water-supply well shall be tested for capacity by a method and for a period of time acceptable to the Department and depending on the intended use of the well.

(i) Chlorination of the Well. Upon completion of the well construction and pump installation, all water-supply wells installed for the purpose of obtaining ground water for domestic consumption shall be sterilized in accordance with standards for sterilization of drinking water wells established by the U. S. Public Health Service.

(j) Use of Well for Recharge or Disposal. No well shall be used for recharge, injection or disposal purposes without prior permission from the Board of Water Resources after consultation with and recommendation by the State Board of Health.

(k) Abandonment of Wells.

(1) Temporary Abandonment. When any well is temporarily removed from service, the top of the well shall be sealed with a water-tight cap or seal.

(2) Permanent Abandonment. Any well that is to be permanently abandoned shall be filled, plugged, or sealed in such a manner as to prevent the well from being a channel allowing the vertical movement of water and a source of contamination of the ground-water supply.

Sec. 7. Existing Installations. No well or pump installation in existence and in use on the effective date of this Act shall be required to conform to provisions of subsection (a) of Section 6 of this Act, or any rules or regulations adopted pursuant thereto not inconsistent with the provisions of this Act; provided, however, that any well now or hereafter abandoned, including any well deemed to have been abandoned, as defined in the Act, shall, within such time as may be specified by the Board, be brought into compliance with the requirements of this Act and any applicable rules or regulations with respect to abandonment of wells. It is the intention of the General Assembly that if the provisions of this Section are held invalid as a grant of an exclusive or separate emolument or privilege, within the meaning of Article 1, Section 7 of the North Carolina Constitution, the remainder of this Act shall be given effect without the invalid provision or provisions.

Sec. 8. Rights of Investigation, Entry, Access and Inspection. The Board shall have the right to conduct such investigations as it may reasonably find necessary to carry on its duties prescribed in this Act, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating the condition, installation, or operation of any well or associated equipment, facility, or property, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the installation or operation of any well: Provided, that no person shall be required to disclose any secret formula, processes or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Board who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties, consistent with the provisions of this Act.

Sec. 9. Notice. (a) Whenever the Board has reasonable grounds to believe that there has been a violation of this Act, or any rule or regulation adopted pursuant thereto, the Board shall give written notice to the person or persons alleged to be in violation. Such notice shall identify the provision of this Act, or regulation issued hereunder, alleged to be violated and the facts alleged to constitute such violation.

(b) Such notice shall be served on the person by sending the same to such person by registered or certified mail to his last known post office address or by personal service by an agent or employee of the Board, and may be accompanied by an order of the Board requiring described remedial action, which if taken within the time specified in such order, will effect compliance with the requirements of this Act and the rules and regulations issued hereunder. Such order shall become final unless a request for a hearing as hereinafter provided is made within 30 days from the date of service of such order. In addition to, or in lieu of such order, the Board may appoint a time and place for such person to be heard. Notice by the Board may be given to any person upon whom a summons may be served in accordance with the provisions of law governing civil actions in the Superior Courts of this State. The Board may prescribe the form and content of any particular notice.

Sec. 10. Hearings. The following provisions, together with any additional provisions not inconsistent herewith which the Board may prescribe, shall be applicable in connection with hearings pursuant to this Act, except where other provisions are applicable in connection with specific types of hearings.

(a) Any hearing held pursuant to this Act whether called at the instance of the Board or of any person, shall be held upon not less than 30 days' written notice given by the Board to any person who is a party to the proceedings with respect to which such hearing is to be held, unless a shorter notice is agreed upon by all such parties.

(b) All hearings shall be before the Board, or before one or more of its own members, or before one or more of its own qualified employees, and the hearings shall be open to the public. Any employee or member of the Board to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Board for decision.

(c) A full and complete record of all proceedings at any hearing shall be taken by a reporter appointed by the Board or by any other method approved by the Attorney General. Any party to a proceeding shall be entitled to a copy of such record upon the payment of the reasonable cost thereof as determined by the Board.

(d) The Board and its agents shall follow generally the procedures applicable in civil actions in the Superior Court insofar as practicable, including rules and procedures with regard to the taking and use of depositions, the making and use of stipulations, and the entering into of agreed settlements and consent orders.

(e) The Board, or the duly authorized agents of the said Board, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of books, papers, and other documents belonging to the said person.

(f) Subpoenas issued by the Board, in connection with any hearing, shall be directed to any officer authorized by law to serve process, and the further procedures and rules of law applicable with respect thereto shall be prescribed in connection with subpoenas to the same extent as if issued by a court of record. In case of a refusal to obey a subpoena issued by the Board, application may be made to the Superior Court of the appropriate county for enforcement thereof.

(g) The burden of proof at any hearing shall be upon the person or the Board as the case may be, at whose instance the hearing is being held.

(h) No decision or order of the Board shall be made in any proceeding unless the same is supported by competent, material and substantial evidence upon consideration of the whole record.

(i) Following any hearing, the Board shall afford the parties thereto a reasonable opportunity to submit within such time as prescribed by the Board proposed findings of fact and conclusions of law and any brief in connection therewith. The record in the proceeding shall show the Board's ruling with respect to each such requested finding of fact and conclusion of law.

(j) All orders and decisions of the Board shall set forth separately the Board's findings of fact and conclusions of law and shall, wherever necessary, cite the appropriate provision of law or other source of authority on which any action or decision of the Board is based.

(k) As previously recited above, the Board shall have the authority to adopt a seal which shall be the seal of said Board and which shall be judicially noticed by the courts of the State. Any document, proceeding, order, decree, special order, rule, regulation, rule of procedure or any other official act or records of the Board or its minutes may be certified by the director or assistant director of the department under his hand and the seal of the Board and when so certified shall be received in evidence in all actions or proceedings in the courts of the State without further proof of the identity of the same if such records are competent, relevant and material in any such action or proceeding. The Board shall have the right to take judicial notice of all studies, reports, statistical data or any other official reports or records of the Federal Government or of any sister state and all such records, reports and data may be placed in evidence by the Board or by any other person or interested party where material, relevant and competent.

Sec. 11. Judicial Review. Any person against whom any final order or decision has been made except where no appeal is allowed as provided by Section 143-215.2 (j) shall have a right of appeal to the Superior Court of Wake County or of the county where the order or decision is effective within 30 days after such order or decision has become final. Upon such appeal the Board shall send a certified transcript of all testimony and exhibits introduced before the Board, the order or decision, and the notice of appeal to the Superior Court. The matter on appeal shall be heard and determined de novo on the transcript certified to the court and any evidence or additional evidence as shall be competent under rules of evidence then applicable to trials in the Superior Court without a jury upon any question of fact; provided, the court shall allow any party to introduce evidence or

additional evidence upon any question of fact. At the conclusion of the hearing, the Judge shall make findings of fact and enter his decision thereto. Appeals from the judgment and orders of the Superior Court shall lie to the Supreme Court. No bond shall be required of the Board to the Supreme Court.

(a) Upon appeal filed by any party, the Board shall forthwith furnish each party to the proceeding with a copy of the certified transcript and exhibits filed with the Board. A reasonable charge shall be paid the Board for said copies.

(b) Within 15 days after receipt of copy of certified transcript and exhibits, any party may file with the court exceptions to the accuracy or omissions of any evidence or exhibits included in or excluded from said transcript.

Sec. 12. Penalties. Any person who violates any provisions of this Act, or regulations issued hereunder, or order pursuant thereto, shall be subject to penalty of one hundred dollars ($100.00). In addition, if any person is adjudged to have committed such violation willfully, the court may determine that each day during which such violation continued constitutes a separate violation.

Sec. 13. Injunctive Relief. Upon violation of any of the provisions of this Act, the Director of the Department may, either before or after the institution of proceedings for the collection of the penalty imposed by this Act for such violations, institute a civil action in the Superior Court in the name of the State upon the relation of the Director of the Department for injunctive relief to restrain the violation and for such other or further relief in the premises as said court shall deem proper. Neither the institution of the action nor any of the proceedings thereon shall relieve any party to such proceedings from the penalty prescribed by this Act for any violation of same.

Sec. 14. Conflict With Other Laws. The provisions of any law, or regulation of the State or any municipality establishing standards affording greater protection to the public welfare, safety, health and ground-water resources shall prevail within the jurisdiction of such agency or municipality over the provisions of this Act and regulations adopted hereunder.

This Act or any rules or regulations adopted pursuant thereto, shall not be in conflict with any laws, rules, or regulations of the State Board of Health pertaining to public health, wells and ground-water supplies. All laws, rules, and regulations presently in effect that are administered by the State Board of Health shall remain in effect.

Sec. 15. The provisions of this Act are severable, and if any of the provisions shall be declared unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 16. The various Sections of this Act shall be given appropriate numbers and codified by the Attorney General as a new Article of General Statutes Chapter 87.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 18. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 486 CHAPTER 1158

AN ACT TO AMEND CHAPTER 20 OF THE GENERAL STATUTES, SO AS TO AUTHORIZE THE REMOVAL OF PARKED OR ABANDONED MOTOR VEHICLES FROM PUBLIC HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Article 7, Chapter 20 of the General Statutes is hereby amended by adding a new Section at the end thereof, to be designated G. S. 20-219.1, and to read as follows:

"§ 20-219.1. Parked or Abandoned Vehicles Removed from Public Highways. Any motor vehicle left parked and unattended, or abandoned, on any public highway or right-of-way thereof, for a period of forty-eight hours shall, at the direction of any full-time law enforcement officer, be towed to a place of safety and storage."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 518 CHAPTER 1159

AN ACT AMENDING G. S. 20-279.21 RELATING TO THE LIMITS OF UNINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.21 (b) (3) is hereby amended as follows: By striking the entire phrase beginning with the words "and provided" in line 11 and ending "protection of third persons." in line 18 of said subsection and inserting in lieu thereof the following: "and provided that an insured shall be entitled to secure increased limits coverage of fifteen thousand dollars ($15,000.00) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars ($30,000.00) because of bodily injury to or death of two or more persons in any one accident if the policy of such insured carries liability limits of equal or greater amounts for the protection of third persons."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall apply only to new and renewal automobile liability insurance policies issued on and after January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 564 **CHAPTER 1160**

AN ACT TO EXEMPT FROM TAXATION THE REAL AND PERSONAL PROPERTY OF AIRPORT AUTHORITIES, AIRPORT BOARDS AND AIRPORT COMMISSIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-296 is hereby amended by redesignating the present subparagraph (13) and (14) and by adding a new subparagraph (13) to read as follows:

"(13) Real property owned by any airport authority, airport board or airport commission created as a separate and independent body corporate and politic by an Act of the General Assembly or by counties or municipalities pursuant to an Act of the General Assembly."

Sec. 2. G. S. 105-297 is hereby amended by adding thereto a new subparagraph to be designated "(14)" and to read as follows:

"(14) Personal property owned by any airport authority, airport board or airport commission created as a separate and independent body corporate and politic by any Act of the General Assembly or by counties and/or municipalities pursuant to an Act of the General Assembly."

Sec. 3. Article 6 of Chapter 63 of the General Statutes of North Carolina is hereby amended by adding a new Section to be numbered "§ 63-51.1" and to read as follows:

"§ 63-51.1. Tax Exemptions. Any airport authority, airport board or airport commission created as a separate and independent body corporate and politic by an Act of the General Assembly or by counties and/or municipalities pursuant to an Act of the General Assembly shall be exempt from the payment of any taxes or fees upon its real and personal property to the State or any subdivision thereof. For the purpose of such tax exemption, it is hereby declared as a matter of legislative determination that an authority so created is and shall be deemed to be a municipal corporation and all property owned by said authorities, boards and commissions shall be deemed to be held for a public purpose."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 601 **CHAPTER 1161**

AN ACT TO APPOINT THE NORTH CAROLINA WILDLIFE RESOURCES COMMISSION AS TRUSTEE TO COLLECT THE REBATE ON GASOLINE TAXES WHICH ARE NOT CLAIMED FOR REBATE BY INDIVIDUAL MOTORBOAT OWNERS.

The General Assembly of North Carolina do enact:

Section 1. Chapter 105 of the General Statutes is amended by adding a new Section as follows:

§ 105-446.2. Wildlife Resources Commission Entitled to Partial Net Proceeds of Gasoline Taxes for Biennium for 1967-1969 Only. (a) The

North Carolina Wildlife Resources Commission shall receive one-eighth of one per cent (1/8 of 1%) of the net proceeds of the taxes on motor fuels levied under Section 105-434 and the same shall be paid in accordance with the accounting periods as set forth under Section 105-446(1) for the periods including July 1, 1967, to July 1, 1969 only. The Wildlife Resources Commission shall thereafter submit to the General Assembly any request for additional funds over and above income from license fee revenue. As used in this Section "net proceeds" shall mean the entire tax collected less one cent (1¢) per gallon non-rebatable tax required to be segregated by Chapter 1250 of the Session Laws of 1949, as amended by Chapter 46 of the Session Laws of 1965.

(b) Payments made to the North Carolina Wildlife Resources Commission under the provisions of this Section shall be placed in the special account within the Wildlife Resources Fund, to be held as provided by G. S. 75A-3(c) and subject to the provisions thereof.

Sec. 2. G. S. 105-445 is rewritten to read as follows:

§ 105-445. Application of Proceeds of Gasoline Tax. Except as provided in §§ 105-446.2 and 136-41.1, the fund derived from the tax herein levied shall be for the exclusive uses of the purposes set out in this Article, and disbursed on vouchers drawn by the State Highway Commission in accordance with the Acts of the General Assembly dealing with the subject matter herein referred to.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on July 1, 1967, and the first disbursements to the North Carolina Wildlife Resources Commission shall be made with respect to proceeds from taxes paid into the State Highway Fund during the accounting period beginning July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 618 CHAPTER 1162

AN ACT RELATING TO EVIDENCE IN CERTAIN CIVIL ACTIONS.

WHEREAS, it is the established public policy of North Carolina to require as a prerequisite to the lawful licensing of a motor vehicle for use upon the public highways that the owner of the vehicle have and maintain in full force and effect a liability insurance policy; and

WHEREAS, the owner of every motor vehicle has the absolute authority under the law to allow or not to allow anyone else to operate his vehicle, but it is a growing custom of our society that persons other than the titled owner operate a motor vehicle, and extend the use for social and non-business use, and for the titled owner to allow, or acquiesce in general use of his vehicle by others either as a fringe benefit or as a means of promoting the pleasure and convenience of loved ones, including friends, and for a titled owner initially to extend permission for the social and non-business use by an employee, friend or member of family who in turn, as a matter of convenience or acquiescence, permits others to operate the vehicle; and

WHEREAS, many innocent and blameless citizens who are victims of serious personal injuries and property loss are unable to receive any compensation whatsoever because of difficulty of proof under the terms of liability insurance policies, and it is difficult and often impossible for injured parties and operators to prove that one lawfully in possession of a vehicle had the express or implied permission of the owner to drive on the very trip and occasion of the collision; and

WHEREAS, liability coverage under the laws of North Carolina is provided for an operator of a vehicle who has the "express or implied permission" of the titled owner but does not extend to persons otherwise lawfully in possession of vehicles with the result that citizens who operate another's vehicle with full reliance upon the existence of liability coverage often find themselves to be victims of large judgments without any coverage whatsoever: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.21(b)(2) as the same appears in the 1965 Cumulative Supplement of the General Statutes of North Carolina is hereby amended in line 3 by adding after the "comma" and before the word "against" the following: "or any other persons in lawful possession,".

Sec. 2. It shall be a defense to any action that the operator of a motor vehicle was not in lawful possession on the occasion complained of.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification, but shall not affect any claims or causes of action arising before ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 646 CHAPTER 1163

AN ACT TO AMEND G. S. 55-52 (c) (6) RELATING TO THE PURCHASE BY A CORPORATION OF ITS OWN STOCK.

The General Assembly of North Carolina do enact:

Section 1. G. S. 55-52 (c) (6), as the same appears in the 1965 Replacement Volume 2B of the General Statutes, is hereby amended by striking out the period at the end of subparagraph (6) and inserting the following:

"or of a corporation which is subject to and regulated by the Securities Act of 1933 as amended."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 651 **CHAPTER 1164**

AN ACT TO AMEND G. S. 7A-134 TO GIVE FAMILY COURT COUNSELORS THE SAME POWERS AND AUTHORITY AS JUVENILE COURT PROBATION OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-134 is amended by adding the following sentence at the end thereof: "Counselors shall have the same powers and authority as is conferred upon juvenile court probation officers by G. S. 110-33."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 652 **CHAPTER 1165**

AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES TO PERMIT MULTIPLE DEFENDANTS IN SMALL CLAIM ACTIONS TO BE FROM DIFFERENT COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-211 is hereby rewritten to read as follows:

"G. S. 7A-211. Small Claim Actions Assignable to Magistrates. In the interest of speedy and convenient determination, the chief district judge may, in his discretion, by specific order or general rule, assign to any magistrate of his district any small claim action pending in his district if the defendant is a resident of the county in which the magistrate resides. If there is more than one defendant, at least one of them must be a bona fide resident of the county in which the magistrate resides."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 671 **CHAPTER 1166**

AN ACT TO ALLOW A THIRTY (30) DAY DEFERRAL PERIOD FOR REGISTRATION OF VEHICLES OWNED BY NEW RESIDENTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-4.6 is hereby amended by adding a new paragraph at the conclusion thereof to read as follows:

"It is hereby provided that the owner of a private passenger vehicle who takes up residence in North Carolina on a permanent or temporary basis shall be exempt from the provisions of registration for a period of 30 days from the date that either permanent or temporary residence is established in North Carolina provided that his vehicle is properly licensed in the jurisdiction of which he is a resident or a former resident."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 674 CHAPTER 1167

AN ACT TO PROVIDE FUNDS FOR THE ESTABLISHMENT OF THE STATES' OFFICE OF THE COASTAL PLAINS REGIONAL COMMISSION.

WHEREAS, North Carolina has been participating with 11 other states in the Appalachian Development Program provided by the Appalachian Regional Development Act of 1965, and 29 Western North Carolina counties have received over fifty-three million dollars ($53,000,000) in Federal funds, which have been used to provide benefits in education, highway construction, health programs and programs for economic development under this Appalachian Development Act; and

WHEREAS, the Secretary of Commerce has entered into an agreement with the Governors of the States of North Carolina, South Carolina and Georgia on December 21, 1966 pursuant to the Public Works and Economic Development Act of 1965, under which the Coastal Plains Regional Commission was created to provide benefits to the people of the eastern regions of the three states similar to those provided by the Appalachian Development Program; and

WHEREAS, under the program of the Coastal Plains Regional Commission funds will be expended throughout 45 counties of Eastern North Carolina including the Counties of Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell, Vance, Washington, Wake, Warren, Wayne, and Wilson, as well as in the coastal counties of the States of Georgia and South Carolina, for developmental programs; and

WHEREAS, the great majority of the funds to be provided for these programs will come from the Federal Government, and a need exists for the establishment of an Office of States' Regional Representative in Washington, D. C. to begin the planning with the Federal authorities for administering the programs of the Coastal Plains Regional Commission to make its benefits available to the people of Eastern North Carolina, South Carolina and Georgia: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby appropriated from the General Fund to the Department of Administration the sum of sixty thousand dollars ($60,000) for the biennium 1967-69, to be used, in cooperation with the States of South Carolina and Georgia, to establish and operate an Office of States' Regional Representative for the Coastal Plains Regional Commission.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 687 CHAPTER 1168

AN ACT TO AMEND G. S. 8-61 RELATING TO ISSUANCE OF SUBPOENA DUCES TECUM FOR PRODUCTION OF PUBLIC RECORDS.

WHEREAS, public officials are often required to travel great distances, consuming valuable time, and incurring unnecessary expense to the public in compliance with subpoenas duces tecum for the production of public records; and

WHEREAS, no necessity exists for the personal appearance of such officials except to authenticate the records produced; and

WHEREAS, a substantial savings in time and money will accrue to the benefit of the taxpayers of this State if these officials be permitted to remain at their duties unless their presence is required because of peculiar personal knowledge of the controversy involved: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 8-61, as the same appears in the 1953 Recompiled Volume 1B of the General Statutes, is rewritten to read as follows:

"Any court, board or other body empowered to compel the attendance of witnesses may issue the process of subpoena duces tecum for the purpose of requiring the production of any public record not declared privileged or confidential under any statute of this State in like manner as witnesses are required in cases of subpoena to testify. No public official shall be compelled by such process to personally attend and produce such record but may, in lieu of personal attendance, cause to be delivered to the authority issuing such process prior to or on the date specified therein the original or a certified copy of the paper, papers or record required, or if no such paper or record is lodged in his office, an affidavit to that effect. Any original or certified copy or affidavit delivered under the provisions of this Section unless otherwise objectionable shall be admissible in any action or proceeding without further certification or authentication."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 694 **CHAPTER 1169**

AN ACT TO AMEND G. S. 7A-312 RELATING TO MEALS FOR SEQUESTERED JURORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 7A-312 is hereby amended by inserting between the second sentence and the third sentence of said Section the following sentence:

"If required by the presiding Judge to remain in a body during the trial of a case, meals shall be furnished the jurors during the period of sequestration."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 697 **CHAPTER 1170**

AN ACT TO AMEND G. S. 143-33 SO AS TO INCREASE THE SALARY AND THE EXPENSE ALLOWANCE OF THE LIEUTENANT GOVERNOR.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-33, as the same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina, is hereby amended by deleting the words and figures "two thousand one hundred dollars ($2,100.00)" immediately following the word "at" on line 3, and inserting in lieu thereof the words and figures "five thousand dollars ($5,000.00)"; and by deleting the words and figures "three thousand dollars ($3,000.00)" on lines 11 and 12 immediately following the word "of" on line 11, and inserting in lieu thereof the words and figures "four thousand dollars ($4,000.00)".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on such date in January of 1969 as the Lieutenant Governor of North Carolina and other constitutional officers take office.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 707 **CHAPTER 1171**

AN ACT RELATING TO REFUND OF INHERITANCE TAX UPON FINAL DETERMINATION OF THE FEDERAL ESTATE TAX.

The General Assembly of North Carolina do enact:

Section 1. Subsection (a) of G. S. 105-29 is hereby amended by inserting in line 43 thereof immediately following the word "return" and immediately preceding the word "or", the following: ", or within six

months after the date of the final determination of the federal estate tax liability,".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after January 1, 1967, and shall apply in all cases where the federal estate tax liability has been finally determined after that date.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 708 CHAPTER 1172

AN ACT TO AMEND G. S. 20-42 SO AS TO EXEMPT STATE, COUNTY, MUNICIPAL AND COURT OFFICIALS FROM THE FEES CHARGED THEREUNDER.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-42 (b), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by adding a proviso at the end thereof to read as follows:

"Provided that any copy of any record of the Department furnished to State, county, municipal and court officials of this State for official use shall be furnished without charge."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 709 CHAPTER 1173

AN ACT TO AMEND ARTICLE 12 OF CHAPTER 20 OF THE GENERAL STATUTES RELATING TO LICENSING AND REGULATION OF MOTOR VEHICLE DEALERS AND MANUFACTURERS TO EXEMPT DEALERS AND MANUFACTURERS OF TRAILERS WEIGHING LESS THAN 500 POUNDS AND CARRYING LOADS OF NOT MORE THAN 1000 POUNDS.

The General Assembly of North Carolina do enact:

Section 1. Subsection (11) of G. S. 20-286, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by adding at the end thereof a new subparagraph to be designated "e." and to read as follows:

"e. Persons, firms or corporations manufacturing, distributing or selling trailers and semitrailers weighing not more than 750 pounds and carrying not more than 1500 pound load."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 712

CHAPTER 1174

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF MEMBERS TO THE BOARD OF EDUCATION OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Swain County shall consist of five members to be nominated and elected by the qualified voters of the entire County as herein provided. The terms of the present members of the Board of Education of said County shall expire on the first Monday in April, 1969.

Sec. 2. In the primary and general election to be held for county officers in 1968 there shall be nominated and elected three members of the Swain County Board of Education. The three candidates shall be elected for terms of four years. In 1970, and biennially thereafter, there shall be nominated and elected members of the County Board of Education to take the place of the members whose terms next expire and the persons so elected shall be elected for terms of four years.

Sec. 3. The primary and general election provided for herein shall be held and conducted at the same time and under the same laws and regulations pertaining to the nomination and election of county officers as provided in Chapter 163 of the General Statutes except as otherwise provided herein. If the number of candidates of a political party filing notice of candidacy is less or equal to the number of offices to be filled, then such candidates shall be declared the nominees for such political party and no primary election shall be held for such candidates or party, and such nominees' names shall appear on the general election ballot.

Sec. 4. Any vacancy occurring on the Board of Education of Swain County, for any reason, shall for the remainder of the unexpired term be filled by the county executive committee of the political party to which the member causing the vacancy belongs.

Sec. 5. The Swain County Board of Education shall hold its organizational meeting on the first Monday in April, 1969, and biennially thereafter, and shall elect a chairman and such other officers as it deems necessary.

Sec. 6. Members of the Board of Education elected in 1968, and thereafter, shall qualify by taking the oath of office on the first Monday in April, 1969 of the year at which time their term of office shall begin.

Sec. 7. The term of office of the present members of the Swain County Board of Education, all of which expire in April, 1969, shall continue until the first Monday in April, 1969, at which time their terms shall terminate.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 717 CHAPTER 1175

AN ACT MAKING THE LARCENY OF SECRET TECHNICAL PROCESSES A CRIME.

The General Assembly of North Carolina do enact:

Section 1. A new Section G. S. 14-75.1 is added following G. S. 14-75 to read as follows:

"G. S. 14-75.1. Larceny of Secret Technical Processes. Any person who steals property consisting of a sample, culture, micro-organism, specimen, record, recording, document, drawing, or any other article, material, device, or substance which constitutes, represents, evidences, reflects, or records a secret scientific or technical process, invention, formula, or any phase or part thereof shall be guilty of a felony punishable by imprisonment not exceeding four years or by a fine not exceeding five thousand dollars ($5,000.00), or by both. A process, invention, or formula is "secret" when it is not, and is not intended to be, available to anyone other than the owner thereof or selected persons having access thereto for limited purposes with his consent, and when it accords or may accord the owner an advantage over competitors or other persons who do not have knowledge or the benefit thereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective on ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 727 CHAPTER 1176

AN ACT TO AMEND G. S. 18-51.1, SO AS TO EXEMPT STATE PREMISES FROM CERTAIN PERMIT FEES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-51.1 (1), as enacted by Chapter 222, Session Laws of 1967, is hereby amended by rewriting such subsection to read as follows:

"(1) Exemption From Fees. No fee shall be charged by the State Board of Alcoholic Control for any permit issued under subsection (7) of G. S. 18-51 to the State or any county or municipality, for any premises operated by the State, county or municipality."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 728 **CHAPTER 1177**

AN ACT TO AMEND THE STATUTE CREATING THE STATE EDUCATION ASSISTANCE AUTHORITY, BEING G. S. 116-201 TO 116-209 OF THE 1965 CUMULATIVE SUPPLEMENT, BY ADDING PROVISIONS AUTHORIZING SUCH AUTHORITY TO ISSUE ITS REVENUE BONDS FOR STUDENT LOAN PURPOSES, FIXING THE TERMS AND DESCRIPTION AND PROVIDING FOR THE SECURITY AND PAYMENT OF SUCH BONDS AND AUTHORIZING THE INVESTMENT OF BOND PROCEEDS AND OTHER FUNDS.

The General Assembly of North Carolina do enact:

Section 1. The statute creating the State Education Assistance Authority, being G. S. 116-201 to 116-209 of the 1965 Cumulative Supplement, is amended by adding at the end thereof the following additional Sections:

"§ 116-209.1. Provisions in Conflict. Any of the foregoing provisions of this Act which shall be in conflict with the provisions hereinbelow set forth shall be repealed to the extent of such conflict.

§ 116-209.2. Additional Definitions. As used in this Act the term 'eligible institution' shall have the same meaning as the definition of such term in Section 996 and Section 1085 of Title 20 of the United States Code and the term 'student loan' shall mean loans to residents of this State to enable them to obtain an education in an eligible institution.

§ 116-209.3. Additional Powers. The Authority is authorized to develop and administer programs and perform all functions necessary or convenient to promote and facilitate the making and insuring of student loans and providing such other student loan assistance and services as the Authority shall deem necessary or desirable for carrying out the purposes of this Act and for qualifying for loans, grants, insurance and other benefits and assistance under any program of the United States now or hereafter authorized fostering student loans. There shall be established and maintained a trust fund which shall be designated 'State Education Assistance Authority Loan Fund' (the 'Loan Fund') which may be used by the Authority in making student loans directly or through agents or independent contractors, insuring student loans, acquiring, purchasing, endorsing or guaranteeing promissory notes, contracts, obligations or other legal instruments evidencing student loans made by banks, educational institutions, nonprofit corporations or other lenders, and for defraying the expenses of operation and administration of the Authority for which other funds are not available to the Authority. There shall be deposited to the credit of such Loan Fund the proceeds (exclusive of accrued interest) derived from the sale of its revenue bonds by the Authority and any other moneys made available to the Authority for the making or insuring of student loans or the purchase of obligations. There shall also be deposited to the credit of the Loan Fund surplus funds from time to time transferred by the Authority from the sinking fund. Such Loan Fund shall be maintained as a revolving fund.

§ 116-209.4. Authority to Issue Bonds. The Authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the Authority in an aggregate principal amount out-

standing at any time of not exceeding twelve and one-half million dollars. The bonds shall be designated, subject to such additions or changes as the Authority deems advisable, 'State Education Assistance Authority Revenue Bonds, Series .....', inserting in the blank space a letter identifying the particular series of bonds.

The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall mature at such time or times not exceeding 20 years from their date or dates, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the State. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The Authority may also provide for the authentication of the bonds by a fiscal agent. The bonds may be issued in coupon or in registered form, or both, as the Authority may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest, and for the interchange of registered and coupon bonds. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine will best effectuate the purposes of this Act.

The Authority is authorized to provide in any resolution authorizing the issuance of bonds for pledging or assigning as security for its revenue bonds, subject to any prior pledge or assignment, and for deposit to the credit of the sinking fund, any or all of its income, receipts, funds or other assets, exclusive of bond proceeds and other funds required to be deposited to the credit of the Loan Fund, of whatsoever kind from time to time acquired or owned by the Authority, including all donations, grants and other money or property made available to it, payments received on student loans, such as principal, interest and penalties, if any, premiums on student loan insurance, fees, charges and other income derived from services rendered or otherwise, proceeds of property or insurance, earnings and profits on investments of funds and from sales, purchases, endorsements or guarantees of obligations, as defined in § 116-201 hereof, and other securities and instruments, contract rights, any funds, rights, insurance or other benefits acquired pursuant to any Federal law or contract to the extent not in conflict therewith, money recovered through the enforcement of any remedies or rights, and any other funds or things of value which in the determination of the Authority may enhance the

marketability of its revenue bonds. Money in the sinking fund shall be disbursed in such manner and under such restrictions as the Authority may provide in the resolution authorizing the issuance of such bonds. Unless otherwise provided in the bond resolution, the revenue bonds at any time issued hereunder shall be entitled to payment from the sinking fund without preference or priority of the bonds first issued. Bonds may be issued under the provisions of this Act without obtaining, except as otherwise expressly provided in this Act, the consent of any department, division, commission, board, body, bureau or agency of the State, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions or things which are specifically required by this Act and the provisions of the resolution authorizing the issuance of such bonds.

§ 116-209.5. Bond Resolution. The resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the purchase or sale of obligations, the making of student loans, the insurance of student loans, the fees, charges and premiums to be fixed and collected, the terms and conditions for the issuance of additional bonds and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the State which may act as depositary of the proceeds of bonds, revenues or other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Any such resolution may set forth the rights and remedies of the bondholders and may restrict the individual right of action by bondholders. All expenses incurred in carrying out the provisions of such resolution may be treated as a part of the cost of administering this Act and may be payable, together with other expenses of operation and administration under this Act incurred by the Authority, from the Loan Fund.

§ 116-209.6. Revenues. The Authority is authorized to fix and collect fees, charges, interest and premiums for making or insuring student loans, purchasing, endorsing or guaranteeing obligations and any other services performed under this Act. The Authority is further authorized to contract with the United States of America or any agency or officer thereof and with any person, partnership, association, banking institution or other corporation respecting the carrying out of the Authority's functions under this Act. The Authority shall at all times endeavor to fix and collect such fees, charges, receipts, premiums and other income so as to have available in the sinking fund at all times an amount which, together with any other funds made available therefor, shall be sufficient to pay the principal of and the interest on such bond as the same shall become due and payable and to create reserves for such purposes. Money in the sinking fund, except such part thereof as may be necessary to provide such reserves for the bonds as may be provided for in the resolution authorizing the issuance of such bonds, shall be set aside in the sinking fund at such regular intervals as may be provided in such resolution and is hereby pledged to, and charged

with, the payment of the principal of and the interest on such bonds as the same shall become due and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The fees, charges, receipts, proceeds and other revenues and moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. The resolution by which a pledge is created need not be filed or recorded except in the records of the Authority. The use and disposition of money to the credit of the sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds. Any such resolution may, in the discretion of the Authority, provide for the transfer of surplus money in the sinking fund to the credit of the Loan Fund. Except as may otherwise be provided in such resolution, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

§ 116-209.7. Trust Funds. Notwithstanding any other provisions of law to the contrary, all money received pursuant to the authority of the Act, whether as proceeds from the sale of bonds, sale of property or insurance, or as payments of student loans, whether principal, interest or penalties, if any, thereon, or as insurance premiums, or from the purchase or sale of obligations, or as any other receipts or revenues derived hereunder, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue may provide that any of such money may be temporarily invested pending the disbursement thereof and shall provide that any officer with whom, or any bank or trust company with which, such money shall be deposited shall act as trustee of such money and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such resolution may provide.

§ 116-209.8. Remedies. Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, except to the extent the rights herein given may be restricted by such resolution authorizing the issuance of such bonds, may either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such resolution authorizing the issuance of such bonds, or under any contract executed by the Authority pursuant to this Act, and may enforce and compel the performance of all duties required by this Act or by such resolution to be performed by the Authority or by any officer thereof, including the fixing, charging and collecting of fees, charges and premiums and the collection of principal, interest and penalties, if any, on student loans or obligations evidencing such loans.

§ 116-209.9. Negotiable Instruments. Notwithstanding any of the foregoing provisions of this Act or any recitals in any bonds issued under the provisions of this Act, all such revenue bonds and interest coupons appertaining thereto shall be and are hereby made negotiable instruments under the laws of this State.

§ 116-209.10. Bonds Eligible for Investment. Bonds issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereafter be authorized by law.

§ 116-209.11. Additional Pledge. Notwithstanding any other provision to the contrary herein, the Authority is hereby authorized to pledge as security for any bonds issued hereunder any contract between the Authority and the United States of America under which the United States agrees to make funds available to the Authority for any of the purposes of this Act, to insure or guarantee the payment of interest or principal on student loans, or otherwise to aid in promoting or facilitating student loans.

§ 116-209.12. Credit of State Not Pledged. Bonds issued under the provisions of this Act shall not be deemed to constitute a debt, liability or obligation of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but shall be payable solely from the revenues and other funds provided therefor. Each bond issued under this Act shall contain on the face thereof a statement to the effect that the Authority shall not be obligated to pay the same nor the interest thereon except from the revenues, proceeds and other funds pledged therefor and that neither the faith and credit nor the taxing power of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. Expenses incurred by the Authority in carrying out the provisions of this Act may be made payable from funds provided pursuant to this Act and no liability or obligation shall be incurred by the Authority hereunder beyond the extent to which moneys shall have been so provided.

§ 116-209.13. Tax Exemption. The exercise of the powers granted by this Act in all respects will be for the benefit of the people of the State, for their well being and prosperity and for the improvement of their social and economic conditions, and the Authority shall not be required to pay any taxes on any property owned by the Authority under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof), shall at all times be free from taxation by the State or any local unit or political subdivision or other instrumentality of the State, excepting inheritance or gift taxes.

§ 116-209.14. Annual Reports. The Authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the Governor and the General Assembly. Each such report shall set forth a complete operating and financial statement covering the operations of the Authority during such year. The Authority

shall cause an audit of its books and accounts to be made at least once in each year by the State Auditor or by certified public accountants.

§ 116-209.15. Merger of Trust Fund. The Authority may merge into the Loan Fund the trust fund established pursuant to § 116-209 hereof and may transfer from such trust fund to the credit of the Loan Fund all money, investments and other assets and resources credited to such trust fund, for application and use in accordance with the provisions of this Act pertaining to the Loan Fund, including the power to pay expenses of the Authority from the Loan Fund to the extent that other funds are not available therefor."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 739 CHAPTER 1178

AN ACT TO AMEND CHAPTER 18 OF THE GENERAL STATUTES TO PROVIDE FOR EXPENDITURE OF FUNDS FROM ALCOHOLIC BEVERAGE CONTROL STORES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-45(15), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by inserting the words "and research" immediately after the word "education" in line 6 thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 740 CHAPTER 1179

AN ACT TO CREATE A SYSTEM FOR COMMENDING MEMBERS OF THE STATE HIGHWAY PATROL WHO DISTINGUISH THEMSELVES MERITORIOUSLY IN THE PERFORMANCE OF OFFICIAL DUTIES.

WHEREAS, the members of the State Highway Patrol, in the performance of their official duties, must expose themselves to personal danger for the protection of the citizens of this State and the traveling public in general; and

WHEREAS, in order to enhance the morale and esprit de corps of members and encourage and motivate members to maintain high professional standards in official activities: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Article 4 of Chapter 20, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by

adding a new Section to be designated G. S. 20-187.1 to read as follows:

"G. S. 20-187.1. (a) The Patrol Commander shall appoint an awards committee consisting of one Troop Commander, one Troop Executive Officer, one District Sergeant, one Corporal, two Troopers and one member of Patrol Headquarters Staff. All committee members shall serve for a term of one year. The member from Patrol Headquarters Staff shall serve as secretary to the committee and shall vote only in case of ties. The committee shall meet at such times and places designated by the Patrol Commander.

"(b) Awards to be granted under the provisions of this Act shall consist of the following:

(1) NORTH CAROLINA STATE HIGHWAY PATROL AWARD OF HONOR. The North Carolina State Highway Patrol Award of Honor is awarded in the name of the people of North Carolina and by the Governor to a person who, while a member of the North Carolina State Highway Patrol, distinguishes himself conspicuously by gallantry and intrepidity at the risk of personal safety and beyond the call of duty while engaged in the preservation of life and property. The deed performed must have been one of personal bravery and self-sacrifice so conspicuous as to clearly distinguish the individual above his colleagues and must have involved risk of life. Incontestable proof of the performance of the service will be required and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(2) NORTH CAROLINA STATE HIGHWAY PATROL AWARD FOR VALOR. The North Carolina State Highway Patrol Award for Valor is awarded in the name of the people of North Carolina and by the Commissioner of Motor Vehicles to a person who, while a member of the North Carolina State Highway Patrol, distinguishes himself by heroic and laudable achievement or service reflecting professional skill, personal valor, and steadfast devotion to duty in keeping with the highest ideals and traditions of the North Carolina State Highway Patrol.

(3) NORTH CAROLINA STATE HIGHWAY PATROL AWARD OF MERIT. The North Carolina State Highway Patrol Award of Merit is awarded in the name of the people of North Carolina and by the Commanding Officer of the Highway Patrol to a person in recognition of and as a reward for exceptionally meritorious service and outstanding ability displayed while performing the duties of the Highway Patrol as defined by this Chapter.

(4) NORTH CAROLINA STATE HIGHWAY PATROL AWARD FOR DISTINGUISHED SERVICE. The North Carolina State Highway Patrol Award for Distinguished Service is awarded in the name of the people of North Carolina and by the Commanding Officer of the Highway Patrol to a person in recognition of and as a reward for extraordinary and outstanding meritorious acts, achievements or services, or for honorable and above satisfactory service for a period of not less than two years, while a member of the North Carolina State Highway Patrol.

"(c) Recipients of the awards hereinabove provided for will be entitled to receive a framed certificate of the award and an insignia designed to be worn as a part of the State Highway Patrol uniform.

"(d) The awards committee shall review and investigate all reports of outstanding service and shall make recommendations to the Patrol Commander with respect thereto. The committee shall consider members of the Patrol for the awards created by this Section when properly recommended by any individual having personal knowledge of an act, achievement or service believed to warrant the award of a decoration. No recommendation shall be made except by majority vote of all members of the committee. All recommendations of the committee shall be in writing and shall be forwarded to the Patrol Commander.

"(e) Upon receipt of a recommendation of the committee, the Patrol Commander shall inquire into the facts of the matter and shall reduce his recommendation to writing. The Patrol Commander shall forward his recommendation, together with the recommendation of the committee, to the Commissioner of Motor Vehicles. The Commissioner shall have final authority to approve or disapprove recommendations affecting the issuance of all awards except the Award of Honor. All recommendations for the Award of Honor shall be forwarded to the Governor for final approval or disapproval.

"(f) The Patrol Commander shall, with the approval of the Commissioner, establish all necessary rules and regulations to fully implement the provisions of this Act and such rules and regulations shall include, but shall not be limited to, the following:

(1) Announcement of Awards
(2) Presentation of Awards
(3) Recording of Awards
(4) Replacement of Awards
(5) Authority to wear Award Insignias."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 744 CHAPTER 1180

AN ACT CREATING A STATUTE OF LIMITATIONS FOR COMMENCEMENT OF ACTIONS RELATING TO CERTAIN ROADS AND STREETS IN SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY.

WHEREAS, it was necessary to relocate a major part of the State highway in the western extremity of Smithville Township in Brunswick County; and

WHEREAS, certain streets, alleys and roadways in said western extremity of Smithville Township, Brunswick County, as platted in Book of Maps 3, page 113, in the office of the Register of Deeds of Brunswick County, were withdrawn from dedication by consent of all property owners in that certain instrument entitled "Agreement of Withdrawal from Dedication and Conveyance" dated July 20, 1961, and recorded in the office of the Register of Deeds of Brunswick County in Book 158 at page 570, on or about September 13, 1961; and

WHEREAS, it is deemed desirable to limit the time within which any claim or demand or cause of action could or might be made to challenge or set aside said withdrawal from dedication of said originally platted streets, alleys and roadways: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. No action to affect title or interest in or to any street, alley or roadway withdrawn from dedication by that certain Agreement of Withdrawal from Dedication and Conveyance recorded in Book 158, Page 570, in the office of the Register of Deeds of Brunswick County, shall be brought or maintained in any court in this State on or after January 1, 1968.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 746 CHAPTER 1181

AN ACT TO PROVIDE THAT THE SENATE AND HOUSE OF REPRESENTATIVES SHALL MEET ON THE FIRST WEDNESDAY AFTER THE SECOND MONDAY IN JANUARY NEXT AFTER THEIR ELECTION.

The General Assembly of North Carolina do enact:

Section 1. The regular session of the Senate and House of Representatives shall be held biennially beginning on the first Wednesday after the second Monday in January next after their election.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 224 CHAPTER 1182

AN ACT TO AMEND CHAPTER 39 OF THE GENERAL STATUTES RELATIVE TO CONSTRUCTION OF CONVEYANCES WHERE CLAUSES IN SUCH CONVEYANCES ARE INCONSISTENT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 39 of the General Statutes, entitled "Conveyances.", is hereby amended by adding thereto a new Section to be numbered G. S. 39-1.1 and to read as follows:

"G. S. 39-1.1. In Construing Conveyances Court shall give Effect to Intent of the Parties.

"(a) In construing a conveyance executed after January 1, 1968, in which there are inconsistent clauses, the courts shall determine the effect

of the instrument on the basis of the intent of the parties as it appears from all of the provisions of the instrument.

"(b) The provisions of subsection (a) of this Section shall not prevent the application of the Rule in Shelley's Case."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 686 CHAPTER 1183

AN ACT TO AMEND G. S. 52-8 RELATING TO VALIDATION OF CONTRACTS BETWEEN HUSBAND AND WIFE WHERE WIFE IS NOT PRIVATELY EXAMINED.

The General Assembly of North Carolina do enact:

Section 1. G. S. 52-8, as the same appears in the 1966 Replacement Volume 2A of the General Statutes, is hereby amended by striking out the word and figures "October 1, 1954," in line two and inserting the word and figures "January 1, 1930," in lieu thereof.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 2½. The provisions of this Act shall not apply to pending litigation.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1077 CHAPTER 1184

AN ACT AMENDING ARTICLE 4C OF CHAPTER 106 OF THE GENERAL STATUTES ENTITLED THE "STRUCTURAL PEST CONTROL ACT OF 1955."

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-65.23 is rewritten in its entirety as follows:

"§ 106-65.23. Structural Pest Control Division of Department of Agriculture Created; Director; Structural Pest Control Committee Created; Appointment; Terms, Quorum. There is hereby created, within the North Carolina Department of Agriculture, a new division thereof, to be known as the Structural Pest Control Division of said Department.

"The Commissioner of Agriculture is hereby authorized to appoint a Director of said Division whose duties and authority shall be determined by the Commissioner, subject to approval of the Board of Agriculture and subject to the provisions of this Act. Said Director shall act as Secretary to the Structural Pest Control Committee herein created.

"There is hereby created a Structural Pest Control Committee to be composed of five members. The Commissioner of Agriculture shall designate one member of the Board of Agriculture who shall serve as an ex officio

member of said Committee for such time as he is a member of the Board of Agriculture. The Commissioner of Agriculture shall designate an employee of the Department of Agriculture to serve on said Committee at the pleasure of the Commissioner. The Dean of the School of Agriculture of North Carolina State University at Raleigh shall appoint one member of the Committee who shall serve for one term of two years and who shall be a member of the Entomology faculty of said University. The vacancy occurring on the Committee by the expired term of the member from the Entomology Faculty of said University shall be filled by the Dean of the School of Agriculture of North Carolina State University at Raleigh who shall designate any person of his choice to serve on said Committee at the pleasure of the Dean. The Governor shall appoint two members of said Committee who are actively engaged in the pest control industry and who are residents of the State of North Carolina but not affiliates of the same company. The initial Committee members from the pest control industry shall be appointed as follows: one for a two-year term and one for a three-year term. After the initial appointments by the Governor, all ensuing appointments by the Governor shall be for terms of four years. Any vacancy occurring on the Committee by reason of death, resignation, or otherwise shall be filled by the Governor or the Commissioner of Agriculture, as the case may be, for the unexpired term of the member whose seat is vacant. A member of the Committee appointed by the Governor shall not succeed himself.

"It shall be the duty of the Structural Pest Control Committee, in addition to the duties imposed by G. S. 106-65.36, in addition to conducting hearings relating to the suspension and revocation of licenses issued under this Article, and in addition to making rules and regulations pursuant to G. S. 106-65.29, to report annually to the Board of Agriculture the results of all hearings conducted by the Committee and to report the financial status of this division of the Department of Agriculture.

"The Director shall be responsible for and answerable to the Commissioner of Agriculture as to the operation and conduct of the Structural Pest Control Division.

"Each member of the Committee who is not an employee of the State shall receive twenty dollars ($20.00) per diem while actually engaged in the business of the Committee. All members of the Committee and the attorney assigned to said Committee by the Attorney General shall be entitled to receive eight cents (8¢) per mile for travel and such other expenses as are incurred in the performance of their duties.

"Three members of the Committee shall constitute a quorum but no action at any meeting of the Committee shall be taken without three votes in accord. The Chairman shall be entitled to vote at all times.

"The Committee shall meet at such times and such places in North Carolina as the Chairman shall direct; provided, however, that three members of the Committee may call a special meeting of the Committee on five days' notice to the other members thereof.

"All members of the Committee shall be appointed or designated, as the case may be, prior to and shall commence their respective terms on July 1, 1967.

"At the first meeting of the Committee they shall elect a Chairman who shall serve as such at the pleasure of the Committee."

Sec. 2. Subsection (3) of G. S. 106-65.24 is rewritten in its entirety as follows:

"(3) 'Committee' means the Structural Pest Control Committee."

Sec. 3. G. S. 106-65.24 is amended by adding at the end thereof a new subsection as follows:

"(11) 'Director' means the Director of the Structural Pest Control Division of the Department of Agriculture."

Sec. 4. G. S. 106-65.25 is amended by striking the word "Commission" appearing at the end of subsection (a) thereof in line 11, and substituting in lieu thereof the following: "Committee, and signed by the Commissioner of Agriculture".

Sec. 5. G. S. 106-65.26 is amended by striking the word "Commission" appearing in line 2 thereof and substituting in lieu thereof the word "Committee", and by adding the following at the end thereof: "No person who has within five years of his application been convicted of or has entered a plea of guilty or a plea of nolo contendere to a crime charged involving moral turpitude or who has forfeited bond to a charge involving moral turpitude, shall be entitled to take an examination or the issuance of a license under the provisions of this Article."

Sec. 6. G. S. 106-65.27 is rewritten in its entirety as follows:

"§ 106-65.27. Examination of Applicants; Fee; License Not Transferable. (a) All applicants must pass a satisfactory oral or written examination, or both oral and written examination. Frequency of such examination shall be in the discretion of the Committee, consideration being given to the number of applications received, provided that a minimum of two examinations shall be given annually. The examination will cover phases of structural pest control (control of wood-destroying organisms, household pests and fumigation).

"An applicant shall submit with his application for examination an examination fee of twenty-five dollars ($25.00) for each of the phases of structural pest control in which he chooses to be examined. An examination for one or more phases of structural pest control may be taken at the same time. If an applicant fails to pass an examination for one or more phases of structural pest control, he shall be entitled to take one additional examination, at a regularly scheduled examination, without the payment of another examination fee.

"(b) A license shall not be transferable. When there is a transfer of ownership, management or operation of a business of a licensee hereunder, the new owner, manager or operator (as the case may be) whether it be an individual, firm, partnership, corporation, or other entity, shall have 90 days from such sale or transfer, or until the next meeting of the Committee following the expiration of said 90-day period, to have a qualified licensee to operate said business."

Sec. 7. G. S. 106-65.28 is rewritten in its entirety as follows:

"§ 106-65.28. Revocation or Suspension of License. (a) Any license may be revoked or suspended by a majority vote of the Committee, after notice and hearing, as provided G. S. 106-65.32, for any one or more of the following causes:

"(1) Misrepresentation for the purpose of defrauding; deceit or fraud; the making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage; or the use of methods of materials which are not reasonably suitable for the purpose contracted.

"(2) Failure of the licensee to give the Committee, the Director, or their authorized representatives, upon request, true information regarding methods and materials used, or work performed.

"(3) Failure of the license holder to make registrations herein required or failure to pay the registration fees.

"(4) Any misrepresentation in the application for a license.

"(5) Wilful violation of any rule or regulation adopted pursuant to this Act.

"(b) Suspension of any license under the provisions of this Act shall not be for less than 10 days nor more than two years, in the discretion of the Committee.

"If a license is suspended or revoked under the provisions hereof, the licensee shall within five days of such suspension or revocation, surrender all licenses and identification cards issued thereunder to the Director or his authorized representative.

"Any licensee whose license is revoked under the provisions of this Act shall not be eligible to apply for a new license hereunder until two years have elapsed from the date of the order revoking said license, or if an appeal is taken from said order of revocation, two years from the date of the order or final judgment sustaining said revocation."

Sec. 8. G. S. 106-65.29 is amended by striking the word "Commissioner" appearing in line 1 thereof and substituting in lieu thereof the word "Committee".

Sec. 9. G. S. 106-65.30 is rewritten in its entirety as follows:

"§ 106-65.30. Inspectors; Inspections and Reports of Violations, Designation of Resident Agent. For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner and Board of Agriculture, to appoint one or more qualified inspectors and such other employees as are necessary in order to carry out and enforce the provisions of this Act. The inspectors shall be known as 'Structural Pest Control Inspectors'. The Director, subject to the approval of the Commissioner of Agriculture and the Board of Agriculture, shall enforce the provisions of this Act by making or causing to be made periodical and unannounced inspections of work done by licensees under this Act engaged in any one or more phases of structural pest control as defined in G. S. 106-65.25. The Director shall cause the prompt and diligent investigation of all reports of violations of the provisions of this Article and the rules and regulations adopted pursuant to the provisions hereof; provided, however, no inspection shall be made by the Director, or inspectors, of any property without first securing the permission of the owner or occupant thereof.

"Every nonresident owner of a business performing any phase of structural pest control work shall designate in writing to the Director, a resident agent upon whom service or notice of process may be had to en-

force the provisions of this Article or any civil or criminal liabilities arising hereunder."

Sec. 10. G. S. 106-65.31 is rewritten in its entirety as follows:

"§ 106-65.31. Annual License Fee; Registration of Servicemen, Salesmen and Estimators; Identification Cards. The fee for the issuance of a license for any one phase of structural pest control, as the same is defined in G. S. 106-65.25, shall be one hundred dollars ($100.00); provided, that when or any time after the fee for a license for any one phase is paid, the holder of said license may secure a license for either or both of the other two phases for an additional fee of fifty dollars ($50.00) per license phase. Licenses shall expire on June 30 of each year and shall be renewed annually. All licensees who fail or neglect to renew any license issued under the provisions of this Act on or before August 1 of each year, shall pay, in addition to the annual license fee, the sum of ten dollars ($10.00) for each phase before his license is renewed.

"Any licensee whose license is lost or destroyed may secure a duplicate license for a fee of five dollars ($5.00).

"A license holder shall register with the Director within 30 days of employment, the names of all solicitors and servicemen (not common laborers) and shall pay a registration fee of twenty dollars ($20.00) for each name registered, which fee shall accompany the registration. All registrations expire when a license expires. Each employee of a licensee for whom registration is made and registration fee paid shall be issued an identification card which shall be carried on the person of the employee at all times when performing any phase of structural pest control work. An identification card shall be renewed annually by payment of a renewal fee of twenty dollars ($20.00). An identification card shall be displayed upon demand to the Director or his authorized representative, or to the person for whom any phase of structural pest control work is being performed. When an identification card is lost or destroyed, the licensee shall secure a duplicate identification card for which he shall pay a fee of one dollar ($1.00). The licensee shall be responsible for registering and securing identification cards for all employees who are salesmen, servicemen and estimators.

"It shall be unlawful for a serviceman, salesman or estimator to engage in the performance of any work covered by this Article without having first secured and in his possession an identification card. It shall be unlawful for a licensee to direct, or procure any salesman, serviceman or estimator to engage in the performance of any work covered by this Article without having first applied for an identification card for such employee or agent; provided, however, that the licensee shall have 30 days after employing a serviceman, salesman or estimator within which to apply for an identification card.

"All registrations and applications for licenses and identification cards shall be filed with the Director."

Sec. 11. G. S. 106-65.32 is rewritten in its entirety as follows:

"§ 106-65.32. Proceedings and Hearings Under Article; Record of Hearings and Judgments; Certified Copy of Revocation of License Sent to Clerk of Superior Court. Proceedings under this Article shall be taken by the

Structural Pest Control Committee for matters within its knowledge or upon accusations based on information of another. Said accusation must be in writing and under oath, verified by the person making the same. If by a member of the Committee, he shall be disqualified from sitting in judgment at the hearing on said accusation. Upon receiving such accusation, the Committee shall serve notice by registered mail of the time, place of hearing, and a copy of the charges upon the accused at least 30 days before the date of the hearing. The Committee for sufficient cause, in its discretion, may postpone or continue said hearing from time to time, or if after proper notice no appearance is made by the accused, it may enter judgment at the time of hearing as prescribed herein, either by suspending or revoking the license of the accused. Both the Committee and the accused may have the benefit of counsel and the right to cross-examine witnesses, to take depositions and to compel attendance of witnesses as in civil cases by subpoena issued by the secretary of the Committee under the seal of the Committee and in the name of the State of North Carolina. The testimony of all witnesses at any hearing before the Committee shall be under oath or affirmation.

"The record of all hearings and judgments shall be kept by the secretary of the Committee and in the event of suspension or revocation of license, the Committee shall, within 10 days, transmit a certified copy of said judgment to the clerk of the superior court of the county of the residence of the accused or his resident agent, and the clerk shall file said judgment in the judgment docket of said county.

"Any licensee may appeal to the Superior Court of Wake County the revocation or suspension of a license issued under the provisions of this Act and such appeal shall be made pursuant to the provisions of Article 33 of Chapter 143 of the General Statutes."

Sec. 12. G. S. 106-65.33 is rewritten in its entirety as follows:

"§ 106-65.33. Violation of Article or Rules and Regulations of Committee a Misdemeanor. Any person violating any provision of this Article or any rule or regulation of the Committee made pursuant to this Article shall be guilty of a misdemeanor and shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court."

Sec. 13. G. S. 106-65.34 is hereby repealed.

Sec. 14. The terms of all members of the Structural Pest Control Commission shall expire on June 30, 1967.

Sec. 15. All rules and regulations heretofore made by the Structural Pest Control Commission not inconsistent with the provisions of Article 4C of Chapter 106 of the General Statutes and this Act, shall remain in full force and effect until repealed, revised, or amended pursuant to the provisions of said Article and this Act or until declared invalid by a court of competent jurisdiction.

Sec. 16. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 17. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1171 **CHAPTER 1185**

AN ACT TO CLASSIFY PERSONAL PROPERTY IN INTERSTATE COMMERCE STORED IN PUBLIC WAREHOUSES IN NORTH CAROLINA FOR AD VALOREM TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 105, Article 13, of the General Statutes of North Carolina is hereby amended by adding a new paragraph to G. S. 105-281 to read as follows:

"Personal property of nonresidents of the State in their original package or fungible goods in bulk, belonging to a nonresident of the State, shipped into this State and placed in a public warehouse for the purpose of transshipment to an out-of-state or within the state destination and so designated on the original bill of lading, or personal property of residents of the State in their original package and fungible goods in bulk, belonging to a resident of the State, placed in a public warehouse for the purpose of transshipment to an out-of-state destination and so designated on the original bill of lading, shall be, while so in the original package, or as fungible goods in bulk, in such warehouse, and they are hereby designated a special class of personal property and shall not be assessed for taxation. No portion of a premises owned or leased by a consignor or consignee, or a subsidiary of a consignor or consignee, shall be deemed to be a public warehouse within the meaning of this Section despite any licensing as such. It is hereby declared to be the policy of this State to use its system of property taxation in such manner, through the classification of the aforementioned property, to encourage the development of the State of North Carolina as a distribution center. For purposes of this Section and this subchapter, the term "property, real and personal," as used in the first paragraph of this Section, shall not include the property hereinabove in this paragraph so specially classified."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after July 1, 1969.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1172 **CHAPTER 1186**

AN ACT TO AMEND G. S. 20-279.21, AS THE SAME RELATES TO UNINSURED MOTORIST INSURANCE, SO AS TO REQUIRE THAT ENDORSEMENT OF SUCH INSURANCE CONTAINS CERTAIN PROVISIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.21(b)(3) is hereby amended by adding immediately after the first paragraph thereof and before the second paragraph thereof the following:

"In addition to the above requirements relating to uninsured motorist insurance, every policy of bodily injury liability insurance covering liability

arising out of the ownership, maintenance or use of any motor vehicle, which policy is delivered or issued for delivery in this State, shall be subject to the following provisions which need not be contained therein.

(1) A provision that the insurer shall be bound by a final judgment taken by the insured against an uninsured motorist if the insurer has been served with copy of summons, complaint or other process in the action against the uninsured motorist in any manner provided by law; provided however, that the determination of whether a motorist is uninsured may be decided only by an action against the insurer alone. The insurer upon being served as herein provided, shall be a party to the action between the insured and the uninsured motorist though not named in the caption of the pleadings and may defend the suit in the name of the uninsured motorist or in its own name. The insurer upon being served with copy of summons, complaint or other pleading, shall have the time allowed by statute in which to answer, demur or otherwise plead (whether such pleading is verified or not) to the summons, complaint or other process served upon it. The consent of the insurer shall not be required for the initiation of suit by the insured against the uninsured motorist: Provided, however, no action shall be initiated by the insured until 60 days following the posting of notice to the insurer at the address shown on the policy or after personal delivery of such notice to the insurer or its agent setting forth the belief of the insured that the prospective defendant or defendants are uninsured motorists. No default judgment shall be entered when the insurer has timely filed an answer or other pleading as required by law.

(2) Where the insured, under the uninsured motorist coverage, claims that he has sustained bodily injury as the result of collision between motor vehicles and asserts that the identity of the operator or owner of a vehicle (other than a vehicle in which the insured is a passenger) cannot be ascertained, the insured may institute an action directly against the insurer: Provided, in such event, the insured or someone in his behalf, shall report the accident within 24 hours or as soon thereafter as may be practicable, to a police officer, peace officer, other judicial officer, or to the Commissioner of Motor Vehicles. The insured shall also within a reasonable time give notice to the insurer of his injury, the extent thereof, and shall set forth in such notice the time, date and place of such injury. Thereafter, on forms to be mailed by the insurer within 15 days following receipt of the notice of the accident to the insurer, the insured shall furnish to insurer such further reasonable information concerning the accident and the injury as the insurer shall request. If such forms are not so furnished within 15 days, the insured shall be deemed to have complied with the requirements for furnishing information to the insurer. Suit may not be instituted against the insurer in less than 60 days from the posting of the first notice of such injury or accident to the insurer at the address shown on the policy or after personal delivery of such notice to the insurer or its agent.

"No insurer may cancel, refuse to renew or reduce the coverage under any automobile liability insurance policy because an insured under such policy has made a claim in good faith under the uninsured motorist endorsement of such policy.

"Where an insured's policy has been cancelled, or the insurer has failed to renew following a claim made by the insured under the uninsured motorist's endorsement, the insurer upon the written request of the insured shall furnish such insured with the reason or reasons why it has cancelled or failed to renew such policy. Such information furnished by the insurer to the insured shall be privileged, and shall not subject the insurer to liability for libel, slander or other defamation."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective from and after the date of its ratification, but the same shall not apply to existing policies of insurance, but shall apply to renewals and to new policies issued after such effective date.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1198 CHAPTER 1187

AN ACT RELATING TO SICK LEAVE OF CERTAIN OFFICIALS AND EMPLOYEES IN THE OFFICES OF THE CLERKS OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. All assistant clerks, deputy clerks and other employees of the clerks of the Superior Court of this State and court reporters of the superior courts, who have heretofore been, or shall hereafter be, changed in status from county employees to State employees by reason of the enactment of Chapter 7A of the General Statutes, shall be entitled to transfer sick leave accumulated as a county employee pursuant to any county system and standing to the credit of such employee at the time of such change of status to State employee, not exceeding earned sick leave in an amount totaling 30 work days. Such earned sick leave credit shall be certified to the Administrative Office of the Courts by the official or employee responsible for keeping sick leave records for the county, and the Administrative Office of the Courts shall accord such transferred sick leave credit the same status as if it had been earned as a State employee.

Sec. 2. All clerks, assistant clerks, deputy clerks and other employees of any court inferior to the superior court which has been or may be abolished by reason of the enactment of Chapter 7A of the General Statutes, who shall thereafter become a State employee by employment in the office of the clerk of the superior court, shall be entitled to transfer sick leave earned as a municipal or county employee pursuant to any municipal or county system in effect on the date said court was abolished, not exceeding earned sick leave in an amount totaling 30 work days. Such earned sick leave credit shall be certified to the Administrative Office of the Courts by the official or employee responsible for keeping sick leave records for the municipality or county, and the Administrative Office of the Courts shall accord such transferred sick leave credit the same status as if it had been earned as a State employee.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification and shall be effective retroactively to December 5, 1966, with respect to employees whose status has already been changed by operation of law.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1200 CHAPTER 1188

AN ACT TO AMEND SUBSECTION (c) OF G. S. 20-124 PERTAINING TO BRAKES ON MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-124(c), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by rewriting to read as follows:

"(c) Every motor vehicle when operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, and shall have all originally equipped brakes in good working order, including two separate means of applying the brakes. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1201 CHAPTER 1189

AN ACT TO REWRITE ARTICLE 10A, CHAPTER 153 OF THE GENERAL STATUTES OF NORTH CAROLINA, KNOWN AS THE COUNTY CAPITAL RESERVE ACT.

The General Assembly of North Carolina do enact:

Section 1. Article 10A, Chapter 153 of the General Statutes of North Carolina, is hereby rewritten to read as follows:

"ARTICLE 10A

"Capital Reserve Funds

"§ 153-142.1. Short Title. This Article shall be known and may be cited as 'The County Capital Reserve Act'.

"§ 153-142.2. Powers Conferred. In addition to all other funds now authorized by law, a county is hereby authorized and empowered to establish and maintain a capital reserve fund in the manner hereinafter provided.

"§ 153-142.3. Establishment of Fund. When the governing body of a county elects to establish a capital reserve fund, it shall adopt a resolution creating the fund. In such resolution, the governing body shall state (1) the purposes for which the fund is created, which may be for any purposes

for which counties may issue bonds, (2) the approximate periods of time during which moneys are to be accumulated for each purpose, (3) the approximate amounts to be accumulated for each purpose, and (4) the sources from which moneys for each purpose will be derived. Such resolution shall become effective 10 days after it is filed with the Director of Local Government, the date to be evidenced by the Director's receipt.

"§ 153-142.4. Amendments. The resolution may be amended from time to time in the same manner in which it was adopted and made effective. Such amendments may, among other provisions, authorize the use of moneys accumulated or to be accumulated in the fund for any purposes for which the county may issue bonds, whether or not the moneys were originally accumulated for the newly authorized purposes.

"§ 153-142.5. Capital Reserve Accounts. In lieu of establishment of a separate capital reserve fund, the board of commissioners may establish a capital reserve account or group of accounts in one or more existing funds, and the provisions of this Article shall apply to each such account or group of accounts.

"§ 153-142.6. Funding. The capital reserve fund may be funded by transfer of moneys or investment securities from a capital reserve appropriation in the general fund, by the transfer of moneys or investment securities from special purpose tax funds or funds for which taxes for non-necessary expenses approved by the voters have been levied. When moneys or investment securities, the use of which is restricted by law, come into the capital reserve fund, the identity of such moneys or investment securities shall be maintained by appropriate accounting entries.

"§ 153-142.7. Investment. The cash balances, in whole or in part, of the capital reserve fund may be deposited at interest or invested as provided by G. S. 159-28.1, as the same may be amended from time to time.

"§ 153.142.8. Withdrawals. Withdrawals from a capital reserve fund established pursuant to this Article may be authorized by resolution of the board of county commissioners, which shall become effective 10 days after it is filed with the Director of Local Government, the date of such filing to be evidenced by the Director's receipt. No withdrawal shall be authorized for any purpose other than that specified in the resolution establishing the fund or in a resolution amending same. The withdrawal resolution may authorize the disbursement of moneys from the capital reserve fund under the provisions of the County Fiscal Control Act or the resolution may authorize the transfer of moneys or investment securities to other funds through which the purposes of the capital reserve fund may be accomplished. No withdrawal may be made which would require the expenditure or transfer of moneys or investment securities for purposes for which an adequate balance of eligible moneys or investment securities is not then available in the capital revenue fund.

"§ 153-142.9. Authority Supplemental. The authority granted hereinabove is supplemental and additional to any other authority granted by law relating to capital reserve funds, whether general or special. Nothing contained in this Article is intended, nor shall be construed, to apply to capital reserve funds established under Article 10B, Chapter 153, or Sections 115-80.1 through 115-80.5 of the General Statutes."

Sec. 2. Except as provided above, all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1202 CHAPTER 1190

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES TO CONFORM WITH THE JUDICIAL REVIEW PROCEDURE PROVIDED IN THE ACT CREATING THE NORTH CAROLINA COURT OF APPEALS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-90 is hereby amended by striking out subsections (b) and (d) thereof, and renumbering subsection (c) as subsection (b), and by adding at the end thereof the following:

"(c) The Commission may on motion of any party to the proceeding or on its own motion set the exceptions to the final order upon which such appeal is based for further hearing before the Commission.

"(d) The appeal shall lie to the Court of Appeals as provided in G. S 7A-29. The appellant shall cause to be prepared a statement of the case as required by the rules of the Court of Appeals. A copy of this statement shall be served on the Commission and all other parties, as appellees, within 45 days from the entry of the appeal taken; within 20 days after such service, the appellee shall return the copy with its approval or specified amendments endorsed or attached; if the case be approved by the appellee it shall be filed by the appellant with the Clerk of the Court of Appeals as part of the record; if not returned with objections within the time prescribed, it shall be deemed approved. The Commission shall have the power, in the exercise of its discretion, to enlarge the time in which to serve statement of case on appeal and exceptions thereto or counter-statement of case.

"(e) If the case on appeal is returned by appellee with objections as prescribed, or if a countercase is served on appellant, the appellant shall immediately request the Utilities Commission to fix a time and place for meeting to agree on the case on appeal. If the appellant delays longer than 15 days after the appellee serves its countercase or exceptions to request the Commission to set a meeting to agree on the case on appeal, then the exceptions filed by the appellee shall be allowed, or the countercase served by him shall constitute the case on appeal; but the time may be extended by agreement of counsel.

"(f) The Commission shall forthwith notify the attorneys of the parties to meet before it for the purpose at a certain time and place, which time shall not be more than 20 days from the receipt of the request. At the time and place stated, the Commission shall determine if all parties have agreed on a case on appeal. If they have, the appellant shall within five days thereafter file it with the Clerk of the Court of Appeals, and if he fails to do so the appellee may file its copy. If the case on appeal is not

agreed upon by all parties to the appeal at said meeting, the Commission shall immediately file with the Court of Appeals a request for appointment of a referee to settle the case on appeal, whereupon the chief judge of the Court of Appeals shall appoint a referee to settle and sign the case on appeal under such rules as may be set forth in his appointment.

"(g) The Court of Appeals shall hear and determine all matters arising on such appeal, as in this Article provided, and may in the exercise of its discretion assign the hearing of said appeal to any panel of the Court of Appeals."

Sec. 2. G. S 62-92 is hereby amended by striking out the words "superior court" appearing in line 1 of said Section and by inserting in lieu thereof the following: "Court of Appeals".

Sec. 3. G. S. 62-96 is hereby amended by striking out the words "In all appeals heard first in the superior court, any party may appeal to the Supreme Court from the judgment of the superior court" appearing in lines 1 through 3 of said Section and by inserting in lieu thereof the following:

"In all appeals heard in the Court of Appeals, any party may file a motion for review in the Supreme Court of the decision of the Court of Appeals under G. S. 7A-31, and in cases entitled to be appealed as a matter of right under G. S. 7A-30 (3) any party may appeal to the Supreme Court from the decision of the Court of Appeals".

Sec. 4. G. S. 62-98 is hereby amended by striking out the words "An appeal shall lie to the Supreme Court" appearing in line 1 of subsection (b) of said Section and by inserting in lieu thereof the following: "An appeal shall lie to the Court of Appeals".

Sec. 5. Chapter 62 of the General Statutes is hereby amended by striking out in its entirety the Section numbered G. S. 62-99 providing for direct appeal from the Commission to the Supreme Court, and declared by the Supreme Court to be unconstitutional.

Sec. 6. G. S. 62-91 is hereby amended by rewriting said Section to read as follows:

"G. S. 62-91. Appeal Docketed; Title on Appeal; Priorities on Appeal. Unless otherwise provided by the Rules of the Court of Appeals, the cause on appeal from the Utilities Commission shall be entitled 'State of North Carolina ex rel. Utilities Commission (here add any additional parties in support of the Commission Order and their capacity before the Commission), Appellee(s) v. (here insert name of appellant and his capacity before the Commission), Appellant'. Appeals from the Utilities Commission pending in the superior courts on September 30, 1967, shall remain on the civil issue docket of such superior court and shall have priority over other civil actions. Appeals to the Court of Appeals under G. S. 7A-29 shall be docketed in accordance with the Rules of the Court of Appeals."

Sec. 7. G. S. 62-300(a)(1) is hereby amended by striking out the words "to the superior court" appearing in lines 1 and 2 of said subsection and by inserting in lieu thereof the following: "to the Court of Appeals".

Sec. 8. G. S. 62-95 is hereby amended by striking out in lines 4 and 5

thereof the words "the judge of the superior court" and by inserting in lieu thereof the words "a judge of the Court of Appeals".

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall be in full force and effect from and after October 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1292 CHAPTER 1191

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO EXPEND, IN THEIR DISCRETION, NONTAX REVENUES FOR THE MAINTENANCE AND OPERATION OF THE MEMORIAL AUDITORIUM LOCATED IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to all other power and authority which the Board of County Commissioners of Cumberland County may have with respect to the expenditure of tax or nontax revenues of the County for any purpose concerning the maintenance and operation of the Cumberland County Memorial Auditorium—Exhibit Hall located in said County, said Board of County Commissioners is hereby authorized, if in its opinion it is necessary, desirable and proper, to expend an amount not to exceed fifty thousand dollars ($50,000) of nontax revenues except ABC funds of the County for the maintenance and operation of the Cumberland County Memorial Auditorium—Exhibit Hall located in said County and said expenditure of nontax revenues of said County is hereby declared to be for a necessary expense of said County, if in the opinion of the Board of County Commissioners of Cumberland County said expenditure is necessary, desirable and proper.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1401 CHAPTER 1192

AN ACT TO AMEND G. S. 153-246 RELATING TO JOINT ADMINISTRATIVE FUNCTIONS OF CONTIGUOUS COUNTIES AND MUNICIPALTIES IN EDGECOMBE AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 153-246, as amended by Chapter 694, Session Laws of 1961, is hereby amended by adding the following to the last sentence of the fifth unnumbered paragraph thereof:

"and shall also be applicable to Article 3 of Chapter 130 of the General Statutes of North Carolina, entitled 'Local Health Departments', to the

end that a district health department may be formed from among the Counties of Nash, Edgecombe, and the City of Rocky Mount."

Sec. 2. The provisions hereof shall apply only to Edgecome and Nash Counties and the municipalities situate in either or both of said counties.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1413 CHAPTER 1193

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO EXCHANGE CERTAIN REAL ESTATE.

WHEREAS, the Town of Chapel Hill acquired certain real estate from John W. Umstead, Jr. and wife, Sally R. Umstead, by deed recorded in Deed Book 131 at Page 326, Orange County Registry, for use for cemetery purposes; and

WHEREAS, a small portion of said real estate was so used, but that the remainder thereof is not now necessary nor its use contemplated or desirable for such purposes; and

WHEREAS, the Town of Chapel Hill is desirous of acquiring certain real estate adjoining property it now owns and uses for recreational purposes; and

WHEREAS, said real estate is owned by John W. Umstead, Jr., or a corporation owned or controlled by him; and

WHEREAS, the said John W. Umstead, Jr. has indicated a willingness to exchange the real estate adjoining the land owned by the Town of Chapel Hill in exchange for the conveyance of so much of the real estate presently owned by the Town, and acquired as aforesaid for cemetery purposes, but no longer required for such use: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The Town of Chapel Hill is hereby authorized and empowered to convey to John W. Umstead, Jr., or a corporation designated by him, the land owned by it and described as follows:

All that certain tract or parcel of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, a short distance North of the Town of Chapel Hill, North Carolina and BEGINNING at an iron stake and Gum pointers in the eastern line of the right-of-way of State University Railroad Company and in J. C. Merritt heirs line; running thence with the said Merritt heirs line South 88 degrees East 616 feet to an iron stake and Walnut pointers and which point is 30 feet from the center of the power line right-of-way; running thence North 21 degrees East and parallel with the center line of the power line right-of-way 533 feet to an iron stake; running thence North 88 degrees West 1,198 feet to an iron stake in the said Railroad Company's right-of-way; running thence along the Eastern line of said railroad company's right-of way; running thence along the eastern line of said railroad company's

right-of-way South 36 degrees East 650 feet to the BEGINNING; except that portion of said land described as follows: BEGINNING at an iron stake and Gum pointers in the eastern line of the right-of-way of the State University Railroad Company and in J. C. Merritt heirs line; running thence with said Merritt heirs line South 88 degrees East 250 feet; running thence North 88 degrees West 400 feet to the eastern right-of-way of University Railroad; running thence along the eastern line of said railroad company's right-of-way South 36 degrees East 250 feet to the BEGINNING,

In exchange for real estate described as follows:

BEGINNING on the southern right-of-way line of Umstead Drive at the northeast corner of the Exchange Club Pool, Inc. property, as shown on Orange County Tax Map #30, Lot No. 7; then with the eastern line of Lot No. 7 South 22 degrees West about 440 feet to the center of Bolin Creek; then downstream with the center of Bolin Creek in a southeasterly direction about 300 feet to its junction with Tanyard Branch; then upstream along the center of Tanyard Branch in a southwesterly direction about 500 feet to the southern property line of the Umstead property; then with said line South 89 degrees 30 feet East about 1,140 feet to a property corner; then along a property line North 4 degrees West about 780 feet to the center of Bolin Creek; then downstream with the center of Bolin Creek in a northeasterly direction about 2,050 feet to a property corner; then North 13 degrees East along a property line about 100 feet to the southern right-of-way line of Umstead Drive; then along the southern right-of-way line of Umstead Drive in a southwesterly direction about 2,700 feet to the point of BEGINNING.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1419 CHAPTER 1194

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KENANSVILLE SO AS TO PROVIDE FOR THE ELECTION OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. Section 3 of Chapter 174, Private Laws of 1899, is hereby rewritten to read as follows:

"Sec. 3. The governing body of the Town of Kenansville shall consist of a mayor and five commissioners who shall be elected by the qualified voters of the town as herein provided. The regular municipal election shall be held on Tuesday after the first Monday in May of 1969, and biennially thereafter.

In the municipal election of 1969, and quadrennially thereafter, the candidate for mayor receiving the highest number of votes shall serve for a term of four years and until his successor is elected and qualified. In

1969 the two candidates for commissioner receiving the highest number of votes shall be elected for terms of four years each, and the three candidates for commissioner receiving the next highest number of votes shall be elected for terms of two years each. In 1971, and biennially thereafter, the candidates for commissioner, equal to the number of positions to be filled, receiving the highest number of votes shall be elected for terms of four years each and shall serve until their successors are elected and qualified.

The persons elected shall qualify immediately after the certification of their election by taking the oath of office to which elected."

Sec. 2. The present mayor and members of the board of commissioners shall continue in office until their successors are elected as provided herein. The municipal elections shall be conducted and held in accordance with the provisions of Article 3, Chapter 160 of the General Statutes of North Carolina, except as otherwise provided herein.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1428 CHAPTER 1195

AN ACT RELATING TO THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Chapter 598 of the Session Laws of 1965 is hereby amended by striking from the fourth and fifth lines of Section 1 thereof the words and figures "fifteen thousand five hundred dollars ($15,500.00)" and inserting in lieu thereof the words and figures "sixteen thousand five hundred dollars ($16,500.00)", it being the intent of this Act to increase the salary of the Clerk of the Superior Court of Guilford County from fifteen thousand five hundred dollars ($15,500.00) to sixteen thousand five hundred dollars ($16,500.00).

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 271 CHAPTER 1196

AN ACT REWRITING CERTAIN PORTIONS OF THE GENERAL STATUTES PERTAINING TO THE STATE BOARD OF ASSESSMENT.

The General Assembly of North Carolina do enact:

Section 1. General Statute 105-273 is hereby rewritten to read as follows:

"§ 105-273. Creation: Officers. (a) There is hereby created a State Board of Assessment of five members with all the powers and duties prescribed by law. On July 1, 1967, and quadrennially thereafter, the Governor, Lieutenant Governor, and Speaker of the North Carolina House of Representatives shall each appoint one member to serve for four years and until his successor is appointed and qualified. On July 1, 1967, the Governor shall appoint one additional member to serve for two years and until his successor is appointed and qualified; and on July 1, 1969, and quadrennially thereafter, the Governor shall appoint a successor to the original one additional member to serve for four years and until his successor is appointed and qualified. The Director of Tax Research shall serve ex officio as the fifth member of the Board. In the case of a vacancy, the unexpired term shall be filled by the holder of the office making the original appointment. The State Board of Assessment shall select its own Chairman, and the members of the Board shall receive fifteen dollars ($15.00) per day when engaged in the performance of duties plus necessary travel expenses.

"(b) On July 1, 1967, and quadrennially thereafter, the State Board of Assessment shall appoint an administrative officer of the Board whose entire times shall be given to the work of the Board and who shall have the powers and duties prescribed by this subchapter. The administrative officer shall serve at the pleasure of the Board, and his salary shall be fixed by the Governor and the Advisory Budget Commission.

"(c) The Board may authorize the administrative officer to employ valuation and appraisal specialists and other assistants as may be needed for the performance of the duties of the Board and of the administrative officer.

"(d) All expenses of the Board, the administrative officer, and other employees shall be paid from funds appropriated out of revenues derived from the tax on Intangible Personal Property as provided by G. S. 105-213."

Sec. 2. General Statute 105-274 is hereby rewritten to read as follows:

"§ 105-274. Oath of Office. The members of the Board and the administrative officer shall take and subscribe to the constitutional oath of office and file the same with the Secretary of State."

Sec. 3. General Statute 105-275 is hereby rewritten to read as follows:

"§ 105-275. Duties of the Board. The State Board of Assessment shall exercise general and specific supervision over the valuation and taxation of property taxation throughout the State, including counties and municipalities. It is constituted a board of appraisers and assessors for certain types of property as specified in Article 26 of this Chapter, and in addition it is constituted a State Board of Equalization and Review of valuation and taxation of property in this State. It shall be the duty of the Board:

(1) To discharge such duties as may be prescribed by law, and take such action, do such things, and prescribe such rules and regulations as may be needful and proper to enforce the provisions of this subchapter.

(2) To properly administer the duties prescribed by Schedule H. Sections 105-198 to 105-217 of the General Statutes with respect to division and certification of taxes collected thereunder; the State Board of Assessment shall hear and pass upon any matters relative thereto.

(3) To hear and to adjudicate appeals from the boards of county commissioners and county boards of equalization and review as to property liable for taxation that has not been assessed or of property that has been fraudulently or improperly assessed through error or otherwise, to investigate the same, and if error, inequality, or fraud is found to exist, to take such proceedings and to make such orders as to correct the same. In case it shall be made to appear to the State Board of Assessment that any tax list or assessment role in any county in this State is grossly irregular, or any property is unlawfully or unequally assessed as between individuals, between sections of a county, or between counties, the said Board shall correct such irregularities, inequalities and lack of uniformity, and shall equalize and make uniform the valuation thereof upon complaint by the board of county commissioners under rules and regulations prescribed by it, not inconsistent with this subschapter: Provided, that no appeals shall be considered or fixed values changed unless notice of same is filed within 60 days after the final values are fixed and determined by the board of county commissioners or the Board of Equalization and Review, as hereinafter provided: Provided, further, that each taxpayer or ownership interest shall file separate and distinct appeals; no joint appeals shall be considered except by and with consent of the State Board of Assessment.

(4) To report to the General Assembly at each regular Session or at such other times as it may direct, the proceedings of the Board under subchapters II and III of this Chapter and such other information and recommendations concerning the public revenues as required by the General Assembly or that may be of public interest. Such reports, in the interest of up-to-date information, need not be printed, but shall be made available in a reasonably durable form.

(5) To recommend to the General Assembly such revision of the Machinery Act, as it may find by experience, investigation, and study to be expedient and wise.

(6) To report to the Governor, on or before the first day of January of each year, the proceedings of said Board during the preceding year, with such recommendations as it desires to submit with respect to any matters relating to the Machinery Act.

(7) To keep full, correct and accurate records of its official proceedings."

Sec. 4. Article 12 of Chapter 105 of the General Statutes is hereby amended by adding a new Section at the end of General Statute 105-277 to be designated as General Statute 105-277.1, and to read as follows:

"§ 105-277.1. Duties of the Administrative Officer. Subject to the supervision of the State Board of Assessment, it shall be the duty of the administrative officer of the State Board of Assessment:

(1) To confer with and advise boards of county commissioners, tax supervisors, assessing officers, list takers, and all others engaged in the valuation and assessment of property, in the preparation and keeping of suitable records, and in the levying and collection of taxes and revenues, as to their duties under this subchapter or any other Act passed with respect to valuation of property, assessing, levying or collection of revenue

for counties, municipalities and other subdivisions of the State, to insure that proper proceedings shall be brought to enforce the statutes pertaining to taxation and for the collection of penalties and liabilities imposed by law upon public officers, officers of corporations, and individuals failing, refusing or neglecting to comply with this subchapter; and to call upon the Attorney General or any prosecuting attorney in the State to assist in the execution of the powers herein conferred.

(2) To prepare a pamphlet or booklet for the instruction of the boards of county commissioners, tax supervisors, assessing officers, list takers, and all others engaged in the valuation of property, preparing and keeping records, and in the levying and collecting of taxes and revenue, and have the same ready for distribution at least 30 days prior to the date fixed for listing taxes. The said pamphlet or booklet shall, in as plain terms as possible, explain the proper meaning of this subchapter; shall call particular attention to any points in the law or in the administration of the laws which may be or which may have been overlooked or neglected; shall advise as to the practical working of the Machinery Act; and shall explain and interpret any points that seem to be intricate and upon which county or State officers may differ.

(3) To make studies of the ratio of appraised value of real and personal property to market value in each county in the year in which real property is revalued in such county, and at such other times as he may deem appropriate; and to publish the results of the studies.

(4) To maintain a register of persons, firms, associations, and corporations available for employment by counties under the provisions of G. S. 105-291; to review the work of registrants; and to advise the counties with respect to those registrants found to be complying with the terms of their employment and assisting counties in meeting statutory requirements for valuing property. Any person, firm, association, or corporation may register by filing with the administrative officer a resume of experience and a statement of financial condition in such detail as the registrant deems advisable, together with the home office and, in the case of a company, association, or firm, a statement of ownership.

(5) To serve as secretary of the Board."

Sec. 5. General Statute 105-213 is hereby amended by striking out the third sentence thereof beginning on line 9 and continuing to the colon (:) and by substituting in lieu thereof the following sentence: "From the total collections less refunds so certified shall be deducted:

(1) An amount determined by the State Board of Assessment to be sufficient to defray the cost to the State of collecting such revenues for the fiscal year and the tax credit specified in the second paragraph of G. S. 105-122(d), and

(2) Amounts appropriated by the General Assembly for the maintenance and operation of the State Board of Assessment.

"All such funds shall be retained by the State, and the net collections after such deductions shall be distributed to the counties and municipalities of the State on the following basis:"

Sec. 6. Subdivision (g)(2) of General Statute 105-327 as the same appears in the 1965 Supplement to Volume 2D of the General Statutes of

North Carolina is hereby amended by adding at the end thereof the following sentence: "The Board shall notify any such taxpayer by mail as to the action taken on his request no later than 30 days after adjournment of the Board."

Sec. 6.1. In order that the provisions of this Act may be carried out, there is hereby appropriated out of the proceeds of the intangibles tax such amount as the Governor and Advisory Budget Commission shall deem necessary for the maintenance and operation of the State Board of Assessment for each year of the biennium which begins on July 1, 1967.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall become effective on July 1, 1967: Provided, that until the State Board of Assessment herein created is appointed and organized, the State Board of Assessment as it existed on June 30, 1967, shall exercise the duties of the Board as prescribed by G. S. 105-275.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1030 CHAPTER 1197

AN ACT AMENDING ARTICLE 24 OF CHAPTER 58 OF THE GENERAL STATUTES RELATING TO MUTUAL BURIAL ASSOCIATIONS.

The General Assembly of North Carolina do enact:

Section 1. Article 24 of Chapter 58 of the General Statutes is amended by adding a new Section thereto, immediately following G. S. 58-224, to be designated as G. S. 58-224.1 and reading as follows:

"G. S. 58-224.1. North Carolina Mutual Burial Association Commission; Membership; Election; Duties. There is hereby created the North Carolina Mutual Burial Association Commission to be composed of five members.

"(1) Initial Commission. The members of the initial Commission shall be elected and chosen as follows:

"(a) The North Carolina Burial Association Commissioner, the President and Vice President of the North Carolina Funeral Directors Association shall unanimously select the names of four persons who are members of said Association and are mutual burial association officers. The four names so selected shall be printed on a ballot by the Commissioner and one ballot mailed to each burial association operator in the State who is or would be eligible to join said Association. No burial association operator shall be entitled to more than one ballot. Each operator shall vote for two names on the ballot and shall return the ballot by posting same in the mail on or before November 15, 1967, to the Burial Association Commissioner. The two persons receiving the highest number of votes shall be deemed elected to the Commission. The person receiving the highest number of votes shall serve for a term of five years and the person receiving the second highest number of votes shall serve for two years. If less than two or more than two persons are voted for, the ballot shall be void. The names of persons may be 'written in' on the ballot. In case of a tie, the winner shall be chosen by lot, unless the two persons receiving the

greatest number of votes tie, in which case both shall be deemed elected and the person to serve the five-year term on the Commission shall be chosen by lot.

"(b) The North Carolina Burial Association Commissioner, the President and Vice President of the Funeral Directors and Morticians Association of North Carolina shall unanimously select the names of two persons who are members of said Association and are mutual burial association officers. The names of the two persons so selected shall be printed on a ballot by the Commissioner and one ballot mailed by him to each burial association operator in the State who is or would be eligible to join said Association. No burial association operator shall be entitled to more than one vote. Each operator shall vote for one name on the ballot and shall return the ballot by mail by posting same on or before November 15, 1967, to the Burial Association Commissioner. The person receiving the highest number of votes shall be deemed elected to the Commission and shall serve for a term of four years. The name of a person may be 'written in' on a ballot. In case of a tie vote, the winner shall be selected by lot.

"(c) The North Carolina Burial Association Commissioner, the President and Vice President of the North Carolina Perpetual Care Cemetery Association shall unanimously select the names of two persons who are members of said Association and are perpetual care cemetery operators. The names of the two persons so selected shall be printed on a ballot by the Commissioner and one ballot mailed by him to each perpetual care cemetery operator in the State. Each operator shall vote for one name on the ballot and shall return the ballot by mail to the Commissioner by posting same on or before November 15, 1967. No operator shall be entitled to more than one vote. The name of a person may be 'written in' on a ballot. The person receiving the highest number of votes shall be deemed elected to the Commission and shall serve for a term of one year. In case of a tie, the winner shall be selected by lot.

"(d) One member of the Commission shall be a citizen of North Carolina, who is a member of a Mutual Burial Association authorized by this Article. He shall be appointed by the Governor and shall serve for a term of three years.

"(e) In the event of a vacancy on the initial Commission by resignation, death, or otherwise, a successor to serve for the unexpired term shall be chosen within 90 days of the occurrence of the vacancy in the same manner as that used to elect or appoint the member of the Commission whose seat is vacant.

"(f) At any time between November 20, 1967 and November 25, 1967, the Burial Association Commissioner, at his office in Raleigh, shall, in the presence of the President of the North Carolina Funeral Directors Association, the President of the Funeral Directors and Morticians Association of North Carolina, and the President of the North Carolina Perpetual Care Cemetery Association, or any person by them designated in their stead, open and tabulate all ballots received pursuant to this Section. The results of the election shall be mailed to any person requesting same and shall be published in at least three newspapers having, in the opinion of the Commissioner, general circulation in the area they serve.

"(g) All initial members of the Commission shall take office on the first Monday in December 1967, and shall serve until their successors are elected or appointed (as the case may be) and qualified.

"(2) After the terms of the initial members of the Commission or their successors to serve unexpired terms, have expired, all five members of the Commission shall serve for a term of five years and shall be elected or appointed, as the case may be, as follows:

"(a) At least 90 days prior to the expiration of the term of the Commission member who was elected pursuant to the provisions of Section (1) (a) or (1) (e), the persons who were eligible to vote under the provisions of Section (1) (a) shall nominate and elect a successor, under such rules and regulations as they shall determine, as approved by the North Carolina Burial Commission, provided that all mutual burial association operators shall be entitled to vote. The person so elected shall be certified to the Burial Association Commissioner by the President of the North Carolina Funeral Directors Association as qualifying under the requirements of Section (1) (a).

"(b) At least 90 days prior to the expiration of the term of the Commission member who was elected pursuant to the provisions of Section (1) (b) or (1) (e), the persons who were eligible to vote under the provisions of Section (1) (b) shall nominate and elect a successor, under such rules and regulations as they shall determine; as approved by the North Carolina Burial Commission, provided that all mutual burial operators shall be entitled to vote. The person so elected shall be certified to the Burial Association Commissioner by the President of the Funeral Directors and Morticians Association of North Carolina as qualifying under the requirement of Section (1) (b).

"(c) At least 90 days prior to the expiration of the term of the Commission member who was elected pursuant to the provisions of Section (1) (c) or (1) (e), the persons who were eligible to vote under the provisions of Section (1) (c) shall nominate and elect a successor under such rules and regulations as they shall determine; as approved by the North Carolina Burial Commission, provided that, all perpetual care cemetery operators in North Carolina shall be entitled to vote. The person so elected shall be certified to the Burial Association Commissioner by the President of the North Carolina Perpetual Care Cemetery Association as qualifying under the requirements of Section (1) (c).

"(d) In the event that any association, entitled by the provisions of this Article to representation on the North Carolina Mutual Burial Association Commission, shall fail to select by November 1 of the year of the expiring term, persons for the election to membership on the Commission, the Commissioner may declare the seat vacant and appoint, from the appropriate association, any person or persons to serve the term of the vacant seat(s).

"(e) Any vacancy on the Commission, other than on the initial Commission, as provided in Section (1) (e), shall be filled by election by the appropriate organization within 90 days of the vacancy, or by appointment of the Governor, as the case may be, such election or appointment to be for the unexpired term.

"(f) Other than the initial Commission, no member may be elected for two successive terms.

"(3) All members of the Commission, before assuming the duties of their office, shall take an oath for the faithful performance of their duties."

Sec. 2. Article 24 of Chapter 58 is further amended by adding a new Section to be designated as G. S. 58-224.2 and reading as follows:

"G. S. 58-224.2. Duties of Commission; Meetings; Burial Commissioner; Secretary. It shall be the duty of the North Carolina Mutual Burial Commission to supervise, pursuant to this Article, all burial associations authorized by this Article to operate in North Carolina, to determine that such associations are operated in conformity with this Article and pursuant to the rules and regulations of the Commission adopted pursuant to this Article; to assist the Commissioner with prosecution of violations of this Article or rules and regulations adopted pursuant thereto; to counsel with and advise the Burial Association Commissioner in the performance of his duties and to protect the interests of members of mutual burial associations.

"The Burial Association Commissioner, with the consent of the Commission, and after a public hearing, may promulgate reasonable rules and regulations for the enforcement of this Article and in order to carry out the intent thereof. The Commission is authorized and directed to adopt specific rules and regulations to provide for the orderly transfer of a member's benefits in merchandise and services from the official funeral director of the member's association to the official funeral director of any other mutual burial association in good standing under the provisions of this Article.

"The Commission shall elect its own Chairman, who shall vote only when the Commission is evenly divided.

"The Commission shall hold regular meetings at least twice each year, and more often if called by the Commissioner, in Raleigh, or such place in North Carolina as the Commissioner may direct. Special meetings of the Commission may also be called in Raleigh, or such other place in North Carolina as they may direct, by a majority of the Commission.

"The Burial Association Commissioner shall serve as Secretary of the Commission and shall keep minutes of all regular and special meetings.

"All regular or special meetings of the Commission, unless a majority of the members of the Commission vote otherwise, shall be open to the public. All regular meetings shall be advertised in at least three newspapers having inter-county circulation in North Carolina.

"Members of the Commission shall receive, when attending such regular or special meetings, such per diem, expense allowance and travel allowance as are allowed other Commissions and Boards of the State. The legal advisor to the Commission shall be entitled to actual expenses when attending regular or special meetings of the Commission held other than in Raleigh. All expenses of the Commission shall be paid from funds coming to the Commissioner pursuant to this Article."

Sec. 3. G. S. 58-225 is hereby repealed.

Sec. 4. Article 2 of G. S. 58-226 is rewritten to read as follows:

"Article 2. The objects and purposes for which this association is formed and the purposes for which it has been organized, and the methods and plan of operation of any association already organized, shall be to provide a plan for each member of this association for the payment of one funeral benefit for each member, which benefit shall consist of a funeral in merchandise and service, with no free embalming or free ambulance service included in such benefits; and in no case shall any cash be paid. No other free service or any other thing free shall be held out, promised or furnished, in any case. Such funeral benefit shall be in the amount of one hundred dollars ($100.00) of merchandise and service, without free embalming or free ambulance service, for persons of the age of 10 years and over, or in the amount of fifty dollars ($50.00) for persons under the age of 10 years; provided, however, that any member of any association may purchase a double benefit (for a total benefit of two hundred dollars ($200.00)); however, any additional benefit shall be based on the assessment rate, as provided in Article 6 of this Section, at the attained age of applicant at the time the double benefit takes effect. The purchase of a double benefit shall not be available to any member who cannot fulfill the requirements as set forth in Article 3 of this Section, excluding the payment of the twenty-five cents (25¢) membership fee. Any funeral director who sells or promotes the sale of a membership shall provide a funeral at a cost of the face amount of the policy, or give credit in the amount of the face value on such funeral as may be selected by the family of the member of the association."

Sec. 5. G. S. 58-235 is rewritten in its entirety to read as follows:

"G. S. 58-235. Free Services; Failure to Make Proper Assessments, Etc., Made a Misdemeanor. Any person or persons who offer free funeral services or free embalming, free ambulance service or any other thing free of charge, acting for any burial association, directly or indirectly, or who so acting shall in any way fail to assess for the amount needed to pay death losses and allowable expenses, shall be guilty of a misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars ($250.00) or imprisoned for not less than 12 months, or both, in the discretion of the court."

Sec. 6. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1193 CHAPTER 1198

AN ACT TO PROVIDE FOR CONTROL OF JUNKYARDS IN THE VICINITY OF INTERSTATE AND PRIMARY HIGHWAYS AND FOR THE ADMINISTRATION OF SUCH CONTROLS.

The General Assembly of North Carolina do enact:

Section 1. This Act may be cited as the Junkyard Control Act.

Sec. 2. Declaration of Policy. The General Assembly hereby finds and declares that although junkyards are a legitimate business, the establish-

ment and use and maintenance of junkyards in the vicinity of the Interstate and primary highways within the State should be regulated and controlled in order to promote the safety, health, welfare and convenience and enjoyment of travel on and the protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for regulation and control of junkyards.

Sec. 3. Definitions. As used in this Act:

a. The term "junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

b. The term "automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

c. The term "junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

d. "Interstate System" means that portion of the National System of Interstate and Defense Highways located within the State, as now officially designated, or as may hereafter be so designated as Interstate system by the State Highway Commission, or other appropriate authorities.

e. "Primary System" means that portion of connected main highways, as now officially designated, or as may hereafter be so designated as primary system by the State Highway Commission or other appropriate authorities.

Sec. 4. Restrictions as to Location of Junkyards. No junkyard shall be established, operated or maintained, any portion of which is within 1,000 feet of the nearest edge of the right of way of any Interstate or primary highway, except the following:

a. Those which are screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main-traveled way of the highway at any season of the year or otherwise removed from sight or screened in accordance with the rules and regulations promulgated by the State Highway Commission.

b. Those located within areas which are zoned for industrial use under authority of law.

c. Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the State Highway Commission.

d. Those which are not visible from the main-traveled way of an Interstate or primary highway at any season of the year.

Sec. 5. Enforcement Provisions. Any person, firm, corporation or association that establishes, operates or maintains a junkyard within 1,000 feet of the nearest right of way of any Interstate or primary highway, after the effective date of this Act, that does not come within one or more of the exceptions contained in Section 4 hereof, shall be guilty of a misdemeanor, and each day that the junkyard remains within the prohibited distance shall constitute a separate offense. In addition thereto, said junkyard is declared to be a public nuisance and the State Highway Commission may seek injunctive relief in the Superior Court of the county in which the said junkyard is located to abate the said nuisance and to require the removal of all junk from the prohibited area.

Sec. 6. Removal of Junk From Unlawful Junkyards. Any junkyard established after the effective date of this Act in violation of the provisions of this Act, or after the effective date and in violation of the rules and regulations issued by the State Highway Commission pursuant to this Act shall be unlawful and shall constitute a public nuisance. The State Highway Commission shall give 30 days' notice by certified mail, to the owner of the said junkyard to remove the junk or to make the junkyard conform to the provisions of this Act and rules and regulations promulgated by the State Highway Commission hereunder. The State Highway Commission or its agents may remove the junk from the nonconforming junkyard at the expense of the owner, if the said owner fails to act within 30 days after receipt of such notice. The State Highway Commission or its agents may enter upon private property for the purpose of removing junk from the junkyards prohibited by this Act without civil or criminal liability.

Sec. 7. Screening of Junkyards Lawfully in Existence. Any junkyard lawfully in existence on the effective date of this Act, which does not conform to the requirements for exceptions in Section 4 hereof, and any other junkyard lawfully in existence along any highway which may be hereafter designated as an Interstate or primary highway and which does not conform to the requirements for exception under Section 4 hereof, shall be screened, if feasible, by the State Highway Commission at locations on the highway right of way or in areas acquired for such purposes outside the right of way in such manner that said junkyard shall not be visible from the main-traveled way of such highways. The State Highway Commission is authorized to acquire fee simple title or any lesser interest in real property for the purpose required by this Section, by gift, purchase or condemnation.

Sec. 8. Acquisition of Existing Junkyards Where Screening Impractical.

a. In the event that the State Highway Commission shall determine that screening of any existing junkyard designated in Section 7 hereof would be inadequate to accomplish the purposes of this Act, the said Commission is authorized to secure the relocation, removal or disposal of such junkyard by acquiring the fee simple title, or such lesser interest in land as may be necessary, to the land upon which said junkyard is located. through purchase, gift, exchange or condemnation.

b. The State Highway Commission is authorized to move and relocate junk located on lands within the provisions of this Section, and is authorized to pay the costs of such moving or relocation.

c. The State Highway Commission is authorized to acquire by purchase, gift, exchange or condemnation, fee simple title or any lesser interest in real property for the purpose of placing and relocating the junk required to be moved under this Section or permitted by Section 6 hereof to be removed. The State Highway Commission is authorized to convey in the manner provided by law for the conveyance of State-owned property, the lands on which junk is to be relocated, to the owner of the junk with or without consideration, under such conditions and reservations as it deems to be in the public interest.

d. The State Highway Commission is authorized to convey in the manner provided by law for the conveyance of State-owned property any property acquired under the provisions of Section 8 of this Act, under such conditions and reservations as it deems to be in the public interest.

e. The State Highway Commission upon a determination that the same is necessary for the removal of any junkyard which is prohibited by Section 4 of this Act may acquire by gift, exchange, purchase or condemnation, the junk located on any junkyard which is acquired under Section 8 of this Act and may acquire by gift, exchange, purchase or condemnation the fee simple title or lesser interest in land for the purpose of storing said junk by the State Highway Commission and may dispose of said junk in any manner which is not inconsistent with this Act.

Sec. 9. Permit Required for Junkyards. No person shall establish, operate or maintain a junkyard, any portion of which is within 1,000 feet of the nearest edge of the right of way of the Interstate or primary system, without obtaining a permit from the State Highway Commission. No license shall be issued under the provisions of this Section for the operation or maintenance of a junkyard within 1,000 feet of the nearest edge of the right of way of Interstate or primary system except those junkyards which conform to one or more of the exceptions of Section 4 of this Act. The permit shall be valid until revoked for noncompliance with this Act. Any person aggrieved by any action of the State Highway Commission in refusing to grant or in revoking a permit may appeal in accordance with the terms of Article 33 of Chapter 143 of the General Statutes.

Sec. 10. Condemnation Procedure. The State Highway Commission shall use the condemnation procedure as provided by Article 9 of Chapter 136 of the General Statutes for the purposes of this Act.

Sec. 11. Rules and Regulations by the State Highway Commission. The State Highway Commission is authorized to promulgate rules and regulations which shall govern the location, planting, construction and maintenance of and materials used in the screening or fencing required by this Act, and to promulgate rules and regulations for determining unzoned industrial areas for the purpose of this Act.

Sec. 12. Agreements with the United States. The State Highway Commission is authorized to enter into agreements with other governmental authorities relating to the control of junkyards and areas in the vicinity of interstate and primary systems, and to take action in the name of the State to comply with the terms of such agreement.

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Sec. 13. Zoning Changes. All zoning authorities shall give written notice to the State Highway Commission of the establishment or revision of any industrial zone within 660 feet of the right of way of Interstate or primary highways. Notice shall be by registered mail sent to the offices of the State Highway Commission in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment.

Sec. 14. Alternate Control. In addition to any other provisions of this Act, the State Highway Commission shall have the authority to acquire by purchase, gift, exchange, or condemnation, such interests in real property as may be necessary to control the establishment and maintenance of junkyards in accordance with the policy, standards and regulations set out herein.

Sec. 15. Availability of Federal Aid Funds. The State Highway Commission shall not be required to expend any funds for the regulation of junkyards under this Act, nor shall the provisions of this Act, with the exception of Section 12 hereof, have any force and effect until Federal funds are made available to the State for the purpose of carrying out the provisions of this Act, and the State Highway Commission has entered into an agreement with the Secretary of Transportation as authorized by Section 12 hereof and as provided by the Highway Beautification Act of 1965 or subsequent amendment thereto.

Sec. 16. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1206

CHAPTER 1199

AN ACT TO PRESCRIBE CONDITIONS PRECEDENT TO THE GRANTING OF PERMISSION FOR OUT OF STATE ATTORNEYS TO PRACTICE IN THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 84 of the General Statutes is hereby amended by adding a new Section thereto to be designated Section 84-4.1 and to read as follows:

"Sec. 84-4.1. Limited Practice of Out of State Attorneys. Any attorney regularly admitted to practice in the courts of record of another state and in good standing therein, having been retained as attorney for any party to a legal proceeding, civil or criminal, pending in the General Court of Justice of North Carolina, may, on motion, be admitted to practice in the General Court of Justice for the sole purpose of appearing for his client in said litigation, but only upon compliance with the following conditions precedent:

"(1) He shall set forth in his motion his full name, post office address and status as a practicing attorney in such other state.

"(2) He shall attach to his motion a statement, signed by his client, in which the client sets forth his post office address and declares that he has retained the attorney to represent him in such proceeding.

"(3) He shall attach to his motion a statement that unless permitted to withdraw sooner by order of the court, he will continue to represent his client in such proceeding until the final determination thereof, and that with reference to all matters incident to such proceeding, he agrees that he shall be subject to the orders and amenable to the disciplinary actions and the civil jurisdiction of the General Court of Justice in all respects as if he were a regularly admitted and licensed member of the Bar of the State of North Carolina.

"(4) He shall attach to his motion a statement to the effect that the state in which he is regularly admitted to practice grants like privileges to members of the Bar of North Carolina in good standing.

"(5) He shall attach to his motion a statement to the effect that he has associated and has personally appearing with him in such proceeding an attorney who is a resident of this State and is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with such legal proceedings, with the same effect as if personally made on such foreign attorney within this State.

"(6) Compliance with the foregoing requirements shall not deprive the Court of the discretionary power to allow or reject the application."

Sec. 2. Permission granted under the preceding Section may be summarily revoked by the General Court of Justice, on its own motion and in its discretion.

Sec. 3. All laws and clauses of laws in conflict wtih this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1209 **CHAPTER 1200**

AN ACT TO PROVIDE TWO (2) ADDITIONAL COPIES OF THE SESSION LAWS AND THE SUPREME COURT REPORTS TO THE NORTH CAROLINA ATTORNEY GENERAL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-45 is hereby amended by deleting the figures "8 1 8" in the line designated as "Attorney General" and substituting in lieu thereof the following figures: "10 1 10".

Sec. 2. Two full sets of the North Carolina Supreme Court Reports through Volume 268 shall be distributed to the Attorney General.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1214 CHAPTER 1201

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES TO PROVIDE STANDARDS FOR DETERMINING WHEN A MOTOR CARRIER FRANCHISE HAS BECOME DORMANT AND TO AUTHORIZE CANCELLATION OF THE CERTIFICATE OR PERMIT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-112 is hereby amended by rewriting the caption thereto to read as follows:

"G. S. 62-112. Effective Date, Suspension and Revocation of Franchises; Dormant Motor Carrier Franchises."

Sec. 2. G. S. 62-112 is further amended by adding a new subsection (c) at the end thereof to read as follows:

"(c) The failure of a common carrier or contract carrier of passengers or property by motor vehicles to perform any transportation for compensation under the authority of its certificate or permit for a period of 30 consecutive days shall be prima facie evidence that said franchise is dormant and the public convenience and necessity is no longer served by such common carrier certificate or that the needs of a contract shipper are no longer served by such a contract carrier. Upon finding after notice and hearing that no such service has been performed for a period of 30 days the Commission is authorized to find that the franchise is dormant and to cancel the certificate or permit of such common or contract carrier. The Commission in its discretion may give consideration in such finding to other factors affecting the performance of such service, including seasonal requirements of the passengers or commodities authorized to be transported, the efforts of the carrier to make its services known to the public or to its contract shipper, the equipment and other facilities maintained by the carrier for performance of such service, and the means by which such carrier holds itself out to perform such service. A proceeding may be brought under this Section by the Commission on its own motion or upon the complaint of any shipper or any other carrier. The franchise of a motor carrier may be cancelled under the provisions of this Section in any proceeding to sell or transfer or otherwise change control of said franchise brought under the provisions of G. S. 62-111, upon finding of dormancy as provided in this Section. Any motor carrier who has obtained authority to suspend operations under the provisions of G. S. 62-112(b) (5) and the rules of the Utilities Commission issued thereunder shall not be subject to cancellation of its franchise under this Section during the time such suspension of operations is authorized. In determining whether such carrier has made reasonable efforts to perform service under said franchise the Commission may in its discretion give consideration to disabilities of the carrier including death of the owner and physical disabilities."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after January 1, 1968.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1215 CHAPTER 1202

AN ACT TO AMEND G. S. 62-111 RELATING TO THE REQUIREMENTS FOR APPROVAL OF THE SALE, TRANSFER, MERGER, CONSOLIDATION, COMBINATION OR TRANSFER OF MOTOR CARRIER FRANCHISES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-111 is hereby amended by adding a new subsection (e) at the end thereof to read as follows:

"(e) The Commission shall approve applications for transfer of motor carrier franchises made under this Section upon finding that said sale, assignment, pledge, transfer, change of control, lease, merger, or combination is in the public interest, will not adversely affect the service to the public under said franchise, will not unlawfully affect the service to the public by other public utilities, that the person acquiring said franchise or control thereof is fit, willing and able to perform such service to the public under said franchise, and that service under said franchise has been continuously offered to the public up to the time of filing said application or in lieu thereof that any suspension of service exceeding 30 days has been approved by the Commission as provided in G. S. 62-112(b)(5)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after September 30, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1216 CHAPTER 1203

AN ACT TO AMEND G. S. 62-260 TO REQUIRE THAT EXEMPT FOR HIRE MOTOR CARRIERS REGISTER AND SECURE CERTIFICATES OF EXEMPTION FROM THE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-260 is hereby amended by adding a new subsection (g) at the end thereof to read as follows:

"(g) The owners of all motor vehicles used in any transportation for compensation which is declared to be exempt under this Section shall register such operation with the Utilities Commission and shall secure from the Utilities Commission a certificate of exemption.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1220 CHAPTER 1204

AN ACT AMENDING G. S. 44-49, RELATING TO LIENS UPON RECOVERY FOR PERSONAL INJURIES, SO AS TO REQUIRE PHYSICIANS, HOSPITALS AND OTHERS TO FURNISH TO ATTORNEYS REPRESENTING THE INJURED PERSON CERTAIN MEDICAL RECORDS AND REPORTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 44-49 is amended by adding at the end of the second unnumbered paragraph thereof the following:

"and further provided that the physician, dentist, trained nurse, hospital or such other person as has a lien hereunder shall, without charge to the attorney as a condition precedent to the creation of such lien, furnish upon request to the attorney representing the person in whose behalf the claim for personal injury is made, an itemized statement, hospital record, or medical report for the use of such attorney in the negotiation settlement or trial of the claim arising by reason of the personal injury."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall not affect any civil action filed prior to September 1, 1967.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1222 CHAPTER 1205

AN ACT TO PROVIDE INVESTMENT COUNSEL FOR THE TRUST FUNDS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

WHEREAS, the General Assembly has granted authority for the investment of a portion of the funds of the Teachers' and State Employees' Retirement System in certain common stocks, with the counsel of an Investment Committee; and

WHEREAS, the system's Board of Trustees and the Investment Committee have retained the service of a reputable investment counseling firm to advise on investments in the common stock portfolio; and

WHEREAS, the complexity of the total investments of the fund grows each year and the yield of the investments is of great importance to the members and to the State: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 135-7(a) of the General Statutes is hereby amended by adding the following new paragraph at the end of the Section:

"In order to carry out the duties and exercise the powers imposed and granted by this Section, the Board of Trustees is specifically authorized to retain the services of a reputable investment counseling firm."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1224 CHAPTER 1206

AN ACT TO AMEND G. S. 143-291 INCREASING THE STATE'S TORT CLAIM LIABILITY.

The General Assembly of North Carolina do enact:

Section 1. G. S. 143-291 is hereby amended by striking from the eighteenth line thereof the words and figures "twelve thousand dollars ($12,000.00)" and by inserting in lieu thereof the words and figures "fifteen thousand dollars ($15,000.00)".

Sec. 2. This Act shall not apply to claims arising prior to 1 July 1967.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective on 1 July 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1231 CHAPTER 1207

AN ACT TO PROVIDE FOR THE TEMPORARY DETENTION OF JUVENILES IN SPECIAL SECTIONS OF JAILS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 110-30 as it appears in the 1966 Replacement Volume 3A of the General Statutes, is hereby amended by inserting, immediately before the word "No" at the beginning thereof, the designation "(a)".

Sec. 2. G. S. 110-30 is further amended by changing the period at the end of the first sentence thereof to a comma, and by inserting, after the comma, the following: "except as provided in subsection (b) of this Section."

Sec. 3. G. S. 110-30 is further amended by adding a new subsection therein, immediately following subsection (a), as follows:

"(b) When, in the opinion of the judge, there is sufficient need for secure restraint of a child, and when, in the opinion of the judge, there are no other adequate facilities available, the judge may order the temporary detention of the child in any section of a jail which is so arranged and maintained that, while in such section, the child cannot converse with, see or be seen by, inmates placed in the jail under provisions of law other than those provided by this Article."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be effective on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1240

CHAPTER 1208

AN ACT TO AMEND CHAPTERS 153 AND 160 OF THE GENERAL STATUTES RELATING TO COUNTY AND MUNICIPAL ZONING.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-172, as the same appears in the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by adding the following provisions at the end thereof:

"Such regulations may also provide that the board of adjustment or the local legislative body may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein, and may impose reasonable and appropriate conditions and safeguards upon such permits."

Sec. 2. G. S. 160-177 is hereby rewritten to read as follows:

"G. S. 160-177. Planning Board; Zoning Plan; Certification to Legislative Body. In order to avail itself of the powers conferred by this Article, such legislative body shall appoint a town or city planning board or a joint planning board under the provisions of G. S. 160-22 or of a special Act of the General Assembly. The town or city planning board or joint planning board shall have the duty of preparing a zoning plan, including both the full text of a zoning ordinance and a map or maps showing proposed district boundaries. The planning board may hold such public hearings, if any, as it deems necessary in the course of preparing this plan. Upon completion, the planning board shall certify this plan to the legislative body. The legislative body shall not hold its required public hearing or take action until it has received this certified plan from the planning board. Following its required public hearing, the legislative body may, if it deems wise, refer the plan back to the planning board for any further recommendations which said board may wish to make prior to final action by the legislative body in adopting, modifying and adopting, or rejecting the ordinance."

Sec. 3. G. S. 160-181.2, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3D of the General Statutes, is hereby amended by deleting the work "natural" in line 18 thereof.

Sec. 4. G. S. 153-266.10, as the same appears in 1964 Replacement Volume 3C of the General Statutes, is hereby amended by adding the following provisions at the end thereof:

"Such regulations may also provide that the board of adjustment or the board of county commissioners may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein, and may impose reasonable and appropriate conditions and safeguards upon such permits."

Sec. 5. G. S. 153-266.17, as the same appears in the 1965 Supplement to the 1964 Replacement Volume 3C of the General Statutes, is hereby amended by adding the following sentences at the end of the first paragraph thereof:

"If it deems wise in order to provide more adequate representation to residents of the county, the board of county commissioners may create a board of adjustment which is larger than that specified above, whose members shall be appointed for three-year terms or for such lesser terms as may be specified in the zoning ordinance in order to assure that the terms of all members shall not expire at the same time.

"Any ordinance enacted pursuant to this Article shall provide that members of the board of adjustment, insofar as possible, shall be appointed from different areas within the county's zoning jurisdiction. In the event that less than the entire county is zoned, at least one resident of each area which is zoned shall be appointed to the board of adjustment."

Sec. 6. G. S. 153-266.17 is hereby further amended by deleting the word "four" in line 57 and by substituting therefor the words "four-fifths of the."

Sec. 7. G. S. 153-266.17 is hereby further amended by inserting the following new paragraph at the end thereof:

"The chairman of the board of adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board. Any member of the board while temporarily acting as chairman shall have and exercise like authority."

Sec. 8. Should any Section, clause, or provision of this Act be declared by the courts to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Act as a whole nor of any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 9. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 10. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1253 CHAPTER 1209

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE REVENUE ACT, THE SAME BEING CHAPTER 158 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, as soon as possible after the ratification of this Act, shall cause to be inserted in the Revenue Act of 1939, being Chapter 158 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assembly of 1967 and shall print in codified form five thousand copies of said Act and related Acts administered by the Commissioner of Revenue, as amended and supplemented, which shall be delivered to the Commissioner of Revenue for distribution. This compilation shall be an official compilation or statement of the

Revenue Act of 1939 and related Acts administered by the Commissioner of Revenue as amended through the 1967 Session of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1254 CHAPTER 1210

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE MACHINERY ACT, THE SAME BEING CHAPTER 310 OF THE PUBLIC LAWS OF 1939, AS AMENDED.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the Attorney General, shall cause to be inserted in the Machinery Act of 1939, being Chapter 310 of the Public Laws of 1939, in their proper places, the several amendments and supplements thereto enacted by the General Assemblies of 1939 through 1967, inclusive, and shall print in codified form 2,500 copies of said Act, as amended and supplemented, which copies shall be delivered to the State Board of Assessment for distribution. This compilation and codification shall be an official codification or statement of the Machinery Act of 1939 as amended through the 1967 Session of the General Assembly.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1260 CHAPTER 1211

AN ACT TO AMEND ARTICLE 4A OF CHAPTER 108 OF THE GENERAL STATUTES TO AUTHORIZE DIRECT PAYMENTS TO NURSING HOMES AND EXTENDED CARE FACILITIES ON BEHALF OF CERTAIN WELFARE RECIPIENTS.

The General Assembly of North Carolina do enact:

Section 1. Article 4A of Chapter 108 of the General Statutes is hereby amended by deleting the title "State Boarding Home Fund for the Aged and Infirm", and by inserting in lieu thereof a new title as follows: "Direct Payments for Nursing Care."

Sec. 2. Article 4A of Chapter 108 of the General Statutes is further amended by deleting the present § 108-79.1, § 108-79.2 and § 108-79.3 and by substituting therefor a single new Section to be designated § 108-79.1 as follows:

"§ 108-79.1. Payments to Nursing Homes and Extended Care Facilities. The State Board of Public Welfare is hereby authorized and empowered to make payments to duly licensed nursing homes and extended care facilities for persons eligible to receive public assistance under the Old Age Assistance Program or Aid to the Permanently and Totally Disabled Program when nursing care is deemed essential for that person by the State Board of Public Welfare."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1261 CHAPTER 1212

AN ACT TO PROVIDE FOR THE CODIFICATION AND PRINTING OF THE PUBLIC SCHOOL LAWS OF NORTH CAROLINA AND RELATED LEGISLATION.

The General Assembly of North Carolina do enact:

Section 1. The Secretary of State, with the advice of the State Superintendent of Public Instruction, shall cause to be codified and printed 5,000 copies of the Public School Laws of North Carolina, being Chapter 115, 115A, 135 and related chapters of the General Statutes of North Carolina including the several amendments and supplements thereto enacted by the General Assemblies through 1967, which copies shall be delivered to the State Superintendent for distribution.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1262 CHAPTER 1213

AN ACT TO AMEND G. S. 20-129 PERTAINING TO LIGHTING EQUIPMENT OF VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-129(a), as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is hereby amended by striking the word "front" appearing in line 6 thereof immediately before the word "and" and immediately after the word "lighted" and inserting in lieu thereof the words "head lamps".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1269 **CHAPTER 1214**

AN ACT TO AMEND CHAPTER 126 OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO REQUIRE THE STATE PERSONNEL DEPARTMENT TO ESTABLISH EMPLOYMENT CLASSIFICATIONS FOR HANDICAPPED AND BLIND PERSONS, AND TO AMEND CHAPTER 111 OF THE GENERAL STATUTES OF NORTH CAROLINA, SO AS TO REQUIRE THE BUREAU OF EMPLOYMENT OF THE NORTH CAROLINA COMMISSION FOR THE BLIND TO TRANSFER CERTAIN OF ITS ACCUMULATED FUNDS TO THE STATE TREASURER AND TO FURTHER REQUIRE THE TRANSFER OF A RETIREMENT FUND FOR EMPLOYEES OF THE BUREAU OF EMPLOYMENT OF THE NORTH CAROLINA COMMISSION FOR THE BLIND TO THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT FUND.

The General Assembly of North Carolina do enact:

Section 1. Article 1 of Chapter 111 of the General Statutes of North Carolina, is hereby amended by adding immediately after "§ 111-12.3" new Sections to be designated "§ 111-12.4, § 111-12.5 and § 111-12.6," and to read as follows:

"§ 111-12.4. On or before September 1, 1967, any funds now held by the Bureau of Employment of the North Carolina State Commission for the Blind shall be transferred to the State Treasurer to the extent that such funds in the aggregate exceed the amount of one hundred thousand dollars ($100,000.00)."

"§ 111-12.5. Funds now held by the Bureau of Employment of the North Carolina State Commission for the Blind, not exceeding one hundred thousand dollars ($100,000.00) shall be retained by the Bureau of Employment of the North Carolina State Commission for the Blind or its successor organization as a reserve and operating capital fund to be expended by the Bureau of Employment of the North Carolina State Commission for the Blind or its successor for its lawful purposes and objectives, under direction and approval of the North Carolina State Commission for the Blind."

"§ 111-12.6. All funds required under this Article to be deposited with or which have been heretofore transferred to the State Treasurer by the Bureau of Employment of the North Carolina State Commission for the Blind, and all future net earnings and accumulations of said Bureau or its successor, other than the one hundred thousand dollar ($100,000.00) reserve fund herein provided for, from whatever source or sources shall be periodically, but not less frequently than annually, paid over to and retained by the State Treasurer as a separate fund or account. The funds deposited with the State Treasurer shall be invested and the income from corpus shall inure to the sole benefit of the North Carolina State Commission for the Blind. The income and corpus shall be expended for services to and for the benefit of visually handicapped persons in North Carolina upon recommendation of the North Carolina State Commission for the Blind, by and with the approval of the Governor as the Director of the Budget."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1271 CHAPTER 1215

AN ACT TO AMEND G. S. 160-200 RELATING TO ABANDONED MOTOR VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200 is hereby amended by inserting therein a new subsection to be designated as subsection (44) and to read as follows:

"(44) The governing body of any municipality may provide by ordinance that whenever a vehicle is found to be an abandoned motor vehicle as defined in Section 160-200 (43) (a) and, in addition, is found to be inoperable, dismantled or damaged, five years old or older, and worth less than fifty dollars ($50.00), it shall be deemed to be a junk motor vehicle. A junk motor vehicle may be removed from public or private property under the direction of an official designated by the municipality to a storage area or garage, provided no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the property on which the vehicle is located, unless the same has been declared a health or safety hazard by the municipality. Any junk motor vehicles so removed shall be held at least 15 days. The owner of any such junk motor vehicle may reclaim his vehicle during the 15-day retention period by exhibiting proof of ownership to a designated official and paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses. If, after holding the vehicle 15 days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of as provided by ordinance or resolution of the municipality. Further, any municipality may, with the consent of the owner of the vehicle, remove and dispose of any motor vehicle as a junk motor vehicle regardless of the value, condition or age of such vehicle and without waiting the aforesaid 15-day period. Any proceeds derived from the disposition of junk motor vehicles shall be retained by the municipality for deposit in the general fund. Notice shall be given within 15 days after final disposition to the Department of Motor Vehicles, that such vehicle has been deemed to be a junk motor vehicle and has been disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can reasonably be determined. No person shall be held to answer in any civil or criminal action to any owner, lien holder or other person legally entitled to the possession of any abandoned, lost or stolen junk motor vehicle for disposing of such vehicle as contemplated by this subsection."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1273 **CHAPTER 1216**

AN ACT TO CREATE THE FRYING PAN LIGHTSHIP MARINE MUSEUM COMMISSION.

WHEREAS, the United States Government has donated to the City of Southport the "Frying Pan" lightship; and

WHEREAS, this lightship is one of the last to be retired from service since they are being replaced by towers; and

WHEREAS, the "Frying Pan" has stood watch over the Frying Pan Shoals off Cape Fear for many years to guide mariners into the safe sea lanes of travel; and

WHEREAS, the State Ports Authority has agreed for the lightship to be moored in a portion of the new Small Boat Harbor facility; and

WHEREAS, the City wishes to turn over the "Frying Pan" and the operation thereof to a Commission for this purpose, with this Commission being in full charge and responsibility; and

WHEREAS, the establishment of the "Frying Pan" Lightship Marine Museum Commission is of great maritime importance and is also of interest to many persons over the State because the "Frying Pan" was situated over a well known sports fishing ground: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created, effective July 1, 1967, a Commission to be designated as the Frying Pan Lightship Marine Museum Commission. This Commission shall be composed of seven members who shall be residents of this State. Five members of the Commission shall be appointed by the Board of Aldermen of the City of Southport, two for a term of one year, two for terms of two years, and one for a term of three years, and their successors shall each be appointed for terms of three years. Two members shall be appointed by the Governor, one for a term of two years, and one for a term of three years, and their successors shall be appointed for terms of three years. Vacancies arising from any cause other than expiration of a term of office shall be filled by appointment for the unexpired term by the same appointing authority who appointed the member causing the vacancy. The Commission shall select a chairman from its own membership.

Sec. 2. The governing body of the City of Southport is hereby authorized, in its discretion, to convey the "Frying Pan" lightship to said Commission upon such terms and conditions as it may deem wise and expedient.

Sec. 3. If and when the above-described lightship is transferred or conveyed to the Commission, such Commission shall have full power and authority to operate the lightship as a museum to be designated as the Frying Pan Lightship Marine Museum. Said Commission shall have full authority and power to do all acts necessary to carry out the provisions of this Act and may accept donations and charge admissions which funds may be expended in promoting the purposes of this Act. Such Commission shall have no authority to incur any indebtedness on the part of the City

of Southport or otherwise obligate the City of Southport in any manner not specifically authorized by the governing body of said City.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1278 CHAPTER 1217

AN ACT TO AMEND CHAPTER 90 OF THE GENERAL STATUTES, RELATING TO THE PRACTICE OF PODIATRY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The title of Article 12, Chapter 90, is hereby changed by eliminating the word "Chiropodists" and inserting in lieu thereof the word "Podiatrists".

Sec. 2. G. S. 90-189 is hereby amended by striking out the word "chiropodist" wherever this word appears in said Section and removing the parenthetical marks around the word "podiatrist" wherever this word appears in said Section.

Sec. 3. G. S. 90-190 is hereby amended by striking out the word "appointed" wherever this word appears and inserting in lieu thereof the word "elected" and by striking out the words "North Carolina Pedic Association" in line 3 and inserting in lieu thereof the words "North Carolina Podiatry Society". This Section is further amended by striking out the word "Association" wherever this word appears in lines 5 and 6 and line 8 and inserting in lieu thereof the word "Society".

Sec. 4. G. S. 90-191 is amended by striking out the words "acceptable to the Board" in the last line of said Section and inserting in lieu thereof "and accredited by the National Council on Education of American Podiatry Association".

Sec. 5. G. S. 90-192 is amended by striking out the words "diagnosis and treatment, therapeutics, clinical podiatry and asepsis" in lines 12 and 13 of said Section and inserting in lieu thereof the following: "dermatology, podiatry, surgery, materia medica, pharmacology and pathology". Said Section is further amended by striking out the words "North Carolina Pedic Association" in line 19 thereof and inserting in lieu thereof the words "North Carolina Podiatry Society".

Sec. 6. G. S. 90-193 is amended by striking out the word "two" in line 3 thereof and inserting in lieu thereof the word "fifteen".

Sec. 7. G. S. 90-194 is deleted in its entirety.

Sec. 8. G. S. 90-195 is deleted in its entirety.

Sec. 9. G. S. 90-198 is amended by striking out the words "ten dollars" in line 2 thereof and inserting in lieu thereof the words "not more than fifty dollars" and by striking out the word "fifteen" in line 2 thereof and inserting in lieu thereof the word "twenty-five". Said Section is further amended by striking out the word "four" in line 4 thereof and inserting

in lieu thereof the word "seven" and by striking out the words "actual railroad expenses" in line 5 thereof and inserting in lieu thereof the words "actual travel expenses including mileage at the rate of nine cents per mile".

Sec. 10. G. S. 90-199 is rewritten to read as follows:

"Annual Fee: Cancellation or Renewal of License. On or before the first day of July of each year every podiatrist engaged in the practice of podiatry in this State shall transmit to the secretary-treasurer of the said North Carolina State Board of Podiatry Examiners his signature and post office address, the date and year of his or her certificate, together with a fee to be set by the Board of Podiatry Examiners not to exceed fifty dollars ($50.00) and receive therefor a renewal certificate. Any license or certificate granted by said Board under or by virtue of this Section shall automatically be cancelled and annulled if the holder thereof fails to secure the renewal herein provided for within a period of 30 days after the first day of July of each year, and such delinquent podiatrist shall pay a penalty for reinstatement of five dollars ($5.00) for each succeeding month of delinquency until a six-month period of delinquency exists. After a six-month period of delinquency exists, or after January first following the July first deadline, the said podiatrist must appear before the North Carolina Board of Podiatry Examiners and take a new examination before being allowed to practice podiatry in the State of North Carolina."

Sec. 11. G. S. 90-200 is deleted in its entirety.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1285

CHAPTER 1218

AN ACT TO AMEND G. S. 97-99, RELATING TO THE CANCELLATION OF WORKMEN'S COMPENSATION INSURANCE POLICIES, SO AS TO REQUIRE THE CARRIER TO EFFECT CANCELLATION ONLY BY REGISTERED OR CERTIFIED MAIL.

The General Assembly of North Carolina do enact:

Section 1. G. S. 97-99(a) is hereby amended by adding at the end thereof the following sentence: "Whenever notice of intention to cancel is required to be given by registered or certified mail, no cancellation by the insurer shall be effective unless and until such method is employed and completed."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1295

CHAPTER 1219

AN ACT TO AMEND CHAPTER 14, SECTION 306 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Chapter 14, Section 306 of the General Statutes is hereby amended as follows:

Section 1. On line 11, after the word "device" delete the following: "or in the playing of which the operator or user has a chance to make varying scores or tallies upon the outcome of which wagers might be made irrespective of whether it may, apart from any element of chance or unpredictable outcome of such operation, also sell, deliver or present some merchandise, indication or weight, entertainment or other thing of value."; and insert in lieu thereof the following: "or any other machine or device designed and manufactured primarily for use in connection with gambling and which machine or device is classified by the United States as requiring a Federal Gaming Device Tax Stamp under applicable provisions of the Internal Revenue Code."

Sec. 2. At the end of the Section as it now appears in the General Statutes, add a new sentence as follows: "This definition shall not include coin operated machines or devices designed and manufactured to be played for amusement only and the operation of which depends in part upon the skill of the player."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1304

CHAPTER 1220

AN ACT TO AMEND THE INHERITANCE TAX LAWS RELATING TO CREDIT AGAINST INHERITANCE TAXES FOR GIFT TAXES PAID.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-8 is hereby rewritten to read as follows:

"§ 105-8. Treatment Allowed for Gift Tax Paid. In case a tax has been imposed under Schedule G of the Revenue Act of 1937, or under subsequent Acts, upon any gift, and thereafter, upon the death of the donor, the amount thereof is required by any provision of this Article to be included in the gross estate of the decedent, then the tax paid with respect to such gift shall constitute an advance payment of the tax which would otherwise be chargeable against the beneficiaries of the estate under the provisions of this Article, and shall be applied in reduction of said tax. Any additional tax found to be due because of the inclusion of such gift in the gross estate of the decedent, as provided herein, shall be a tax against the estate and shall be paid out of the same funds as any other tax against the estate. Any amount by which the tax paid with respect to such gift

exceeds the tax found to be due because of the inclusion of such gift in the gross estate of the decedent, as provided herein, shall be refunded to the estate of the decedent."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967, and shall apply to estates of all persons dying on or after that date.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1306 CHAPTER 1221

AN ACT TO EXEMPT CERTAIN MEDICAL BENEFITS PROVIDED BY EMPLOYERS TO EMPLOYEES FROM INCOME TAX.

The General Assembly of North Carolina do enact:

Section 1. G. S. 105-141(b)5 is hereby amended by inserting immediately following the comma in line 3 of subparagraph (5) the following: "or through self-funded reimbursement plans adopted by an employer for the benefit of his employees, reimbursing such employees for expenses incurred for their medical care or for the medical care of their spouses or their dependents."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective January 1, 1967, and shall apply to income years beginning on or after that date.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1309 CHAPTER 1222

AN ACT TO AMEND G. S. 105-4(b) RELATING TO EXEMPTIONS FOR INHERITANCE TAX PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. Subsection (b) of G. S. 105-4 is hereby amended by deleting the last sentence thereof in its entirety and by substituting the following therefor: "The same rule shall apply to the taking under a will, and also in the case of a specific legacy or devise. When a person shall die, testate or intestate, leaving a spouse and child or children, and such surviving spouse receives, whether under a will or otherwise than by will, all or substantially all the decedent's property, such surviving spouse shall be allowed at his or her option an additional exemption of five thousand dollars ($5,000.00) for each child under 21 years of age, and each child 21 years of age, or older, who is mentally incapacitated, or by reason of physical disability is unable to support himself, is unmarried and residing with the decedent in his or her home at the time of such decedent's death, or who is then institutionalized by reason of such mental incapacity or

physical disability; provided that whenever such spouse elects to claim such additional exemption, the child or children shall not be allowed the exemption of five thousand dollars ($5,000.00) for each child hereinabove provided for."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967, and shall apply to estates of all persons dying on or after that date.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1324 CHAPTER 1223

AN ACT RELATING TO CERTAIN MINIMUM BENEFITS PAYABLE UNDER ARTICLE 1, CHAPTER 135 OF THE GENERAL STATUTES, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. Chapter 720 of the Session Laws of 1967, Section 5, is hereby amended by adding the following:

"(3) Notwithstanding the foregoing provisions, any member whose creditable service commenced prior to July 1, 1963 shall receive not less than the benefit provided by G. S. 135-5 (b)."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1325 CHAPTER 1224

AN ACT RELATING TO LOCAL HEALTH DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. Section 130-13 of the General Statutes is hereby amended by adding the following:

"Employees of a county health department shall be deemed county employees."

Sec. 2. Section 130-22 of the General Statutes is hereby amended by adding the following:

"Employees of a municipal health department shall be deemed municipal employees."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1337 **CHAPTER 1225**

AN ACT TO MAKE IT UNLAWFUL TO HARM OR DESTROY PORPOISES.

The General Assembly of North Carolina do enact:

Section 1. Chapter 113 of the General Statutes of North Carolina is hereby amended by adding a subsection of G. S. 113-189 to be designated as G. S. 113-189(b), to read as follows:

"G. S. 113-189(b). Porpoises. It shall be unlawful wilfully to harm or destroy porpoises."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1355 **CHAPTER 1226**

AN ACT TO MAKE TECHNICAL AMENDMENTS TO CERTAIN SECTIONS OF CHAPTER 160 OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-453.5 is hereby amended by striking out of the last sentence thereof the word "unit" and by inserting in lieu thereof the word "writ".

Sec. 2. G. S. 160-453.11 is hereby amended by inserting between the word "of" and the word "article" in line 4 and between the word "of" and the word "article" in line 7 the words "part 1 of".

Sec. 3. G. S. 160-453.23 is hereby amended by inserting between the word "of" and the word "article" in line 4 and between the word "of" and the word "article" in line 7 the words "part 1 of".

Sec. 4. This Act shall be construed as declaring the law as it existed prior to the enactment of this Act and not as modifying the law.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1359 **CHAPTER 1227**

AN ACT TO PROVIDE FOR ESCHEAT OF FUNDS DEPOSITED AS AN INDEMNITY FOR MOTOR VEHICLE COLLISION DAMAGES UNDER THE MOTOR VEHICLE SAFETY AND FINANCIAL RESPONSIBILITY ACT OF 1953 AFTER NOTICE TO DEPOSITORS IF SUCH FUNDS REMAIN UNCLAIMED FOR FIVE YEARS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.10, as the same appears in the 1965 Replacement Volume 1C of the General Statutes, is amended by designating the

existing paragraph thereof as Section "(a)" and adding a new paragraph to be designated Section "(b)" to read as follows:

"(b) One year from the deposit of any security under the terms of this Article, the Commissioner shall notify the depositor thereof by registered mail addressed to his last known address that the depositor is entitled to a refund of the security upon giving reasonable evidence that no action at law for damages arising out of the accident in question is pending or that no judgment rendered in any such action remains unpaid. If, at the end of three years from the date of deposit, no claim therefor has been received, the Department shall notify the depositor thereof by registered mail and shall cause a notice to be posted at the courthouse door of the county in which is located the last known address of the depositor for a period of 60 days. Such notice shall contain the name of the depositor, his last known address, the date, amount and nature of the deposit, and shall state the conditions under which the deposit will be refunded. If, at the end of two years from the date of posting of such notice, no claim for the deposit has been received, the Commissioner shall certify such fact together with the facts of notice to the State Treasurer and the Treasurer shall turn such deposit over to the University of North Carolina as an escheat."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1372

CHAPTER 1228

AN ACT RELATING TO THE JOINT ESTABLISHMENT AND OPERATION OF PARKS, PLAYGROUNDS, AND RECREATION CENTERS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-164 is hereby amended by adding at the end thereof additional paragraphs to read as follows:

"In addition to any other methods by which cities and counties may carry out the joint authority set out above, the participating cities and counties may adopt a resolution creating a Commission for that purpose. The Commission shall be composed of such persons as the participating governing bodies may determine, and may consist wholly or in part of members of the participating governing bodies. Membership by a member of a governing body on the Commission is to be deemed an additional duty of his elected office on the governing board. Upon the establishment of such Commission by the adoption of an appropriate resolution by each of the participating governmental units, the said Commission shall thereupon come into being and shall have the powers, duties, and responsibilities as specified herein. The Commission member shall serve at the pleasure of the governing body appointing him.

"The Commission created pursuant to the authority of this Act shall elect such officers for such terms as the said Commission shall determine to be desirable. Members and officers of the Commission shall serve without

compensation. The governing bodies creating the Commission may determine what the official name of the Commission is to be.

"The Commission created pursuant to this Act shall have the following powers and duties:

"(1) To sue in any court of competent jurisdiction for the purpose of carrying into effect any of the powers or duties imposed by this Act or the purposes for which the Commission was created, or for the purpose of enforcing any contract or other obligation or liability to the Commission; and, to be sued in any court of competent jurisdiction as to any cause of action not prohibited by this Act or any other law, it being the intent of the General Assembly that the Commission so created, upon establishment, shall for purposes of carrying out the powers and duties granted herein, be considered a body corporate;

"(2) To make rules, not inconsistent with this Act or the resolution of the governing bodies creating the said Commission, governing its procedure and the manner of executing its powers and duties;

"(3) To exercise all powers that are granted to the said Commission by the resolution of the governing bodies creating same, which said powers may include all the powers that any one of the governing bodies participating in the creation of the Commission would have if acting alone insofar as the control, management, lease, equipment, improvement, maintenance, operation, and regulation of parks, playgrounds, and other recreational facilities and activities are concerned;

"(4) The Commission shall not have authority to levy any taxes, issue any bonds, or create any debts which shall constitute a general liability of any of the governmental units participating in the creation of the Commission or that will be enforceable as to the property of any of the said governmental units or any of its citizens, but shall operate pursuant to budgets submitted by the Commission to the participating governmental units and appropriations made by the said governmental units, and no deviation from the approved budgets may be made without the approval of each of the participating governmental units;

"(5) Subject to the general approval of the governmental units participating in the creation of the Commission, to employ persons, fix their compensation, and assign their duties, and to remove persons so employed for any reason satisfactory to the Commission;

"(6) Subject to the general approval of the governing bodies creating the said Commission, to fix the rates and charges for all facilities and services at any facility or for any recreation program which is jointly established or operated through a Commission as provided in this Act;

"(7) Subject to the approval of the governing bodies creating the Commission, to make all rules and regulations governing the operation and use of any facility or program placed within the jurisdiction of the Commission created hereunder, such rules and regulations not being inconsistent with lawful rules and regulations of any department or agency of the United States or of the State of North Carolina as established and existing from time to time, which rules and regulations shall be published as the Commission shall prescribe;

"(8) Subject to the approval of the governing bodies creating the Commission, to enter into contracts of lease, license, concession, or otherwise with any person, partnership, or corporation for the operation and maintenance of any of the facilities placed under the jurisdiction of the Commission;

"(9) To collect all revenues derived from the operation of any of the facilities placed under the jurisdiction of the said Commission, and to receive donations, grants, and any other like or similar revenues or property for use by said Commission in carrying out the parks, playground and recreational facilities and programs placed under the jurisdiction of the said Commission;

"(10) To expend revenues or funds which the Commission receives by way of appropriations from the participating governmental units, the amount of each governmental unit's participation being determined by agreement of all participating governmental units, or which the Commission receives from operating the facilities placed under its jurisdiction, or from gifts, donations, grants-in-aid, or other sources, the entire budget of the Commission having been approved by the participating governmental units.

"All of the financial records of the Commission created hereunder shall be subject to the supervision and inspection of a county or city accountant or such other officer or agent as shall be designated by the cooperating governmental units, and the Commission shall make such reports from time to time as shall be required by the participating governmental units. The treasurer of the Commission shall give a bond in such amount as shall be fixed by the Commission, which bond shall be payable to the Commission and shall be conditioned upon the faithful performance of his duties as treasurer and his making a lawful accounting of all funds as treasurer of the Commission.

"Nothing contained in this Act shall interfere in any way with the establishment of parks or playgrounds or with the conduct of recreational programs by any one of the governmental units involved in the creation of the Commission, acting alone, and nothing contained in this Act shall in any way interfere with the conduct of recreational programs by any municipality or county pursuant to authority of law, it being the purpose of this Act to supplement all other legal authority to conduct recreational programs and to operate and maintain recreational facilities, and the same is to be in addition to all other laws and is in no way to restrict same."

Sec. 2. This Act is hereby declared to be divisible, and if any part thereof shall be declared invalid or unconstitutional, all of the other parts thereof shall remain in full force and effect.

Sec. 3. All laws and clauses of laws in conflict with this Act or any part thereof are, to the extent of such conflict only, hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified this the 6th day of July, 1967.

H. B. 1385 CHAPTER 1229

AN ACT TO AMEND VARIOUS PROVISIONS OF THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

Section 1. (a) G. S. 97-2(5) is hereby amended by inserting between the words "injury" and "to" as the same appears in the first line of the last paragraph thereof the words "or death."

(b) G. S. 97-2(5) is hereby amended by inserting between the words "fireman" and "under" as the same appears in the first line of the last paragraph thereof the words "or member of an organized rescue squad."

(c) G. S. 97-2(5) is hereby amended by inserting between the words "fireman" and "was" as the same appears in the third line of the last paragraph thereof the words "or member of an organized rescue squad."

Sec. 2. G. S. 97-18(e) is hereby amended by striking out in line 2 of such subsection the words "without an award."

Sec. 3. G. S. 97-36 is hereby amended by inserting between the words "dependents" and "to" as the same appears in line 3 thereof the words "or next of kin."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1386 CHAPTER 1230

AN ACT TO ELIMINATE THE APPOINTMENT OF A MEMBER OF THE GENERAL STATUTES COMMISSION BY THE NORTH CAROLINA BAR ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-14, as the same appears in 1964 Replacement Volume 3D of the General Statutes, is hereby amended as follows:

(1) The fourth line of subsection (a) is rewritten to read, "(2) One member, by The General Statutes Commission;".

(2) Subsection (c) is amended by striking out of the second and third lines thereof the words "the president of the North Carolina Bar Association" and inserting in lieu thereof "The General Statutes Commission".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1393

CHAPTER 1231

AN ACT AMENDING G. S. 119-49 RELATING TO THE MINIMUM STANDARDS FOR LIQUEFIED PETROLEUM GASES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 119-49 is amended by striking from line 5 thereof, after the word "dated", the word, date and punctuation "May, 1961," and substituting in lieu thereof the date "1965".

Sec. 2. G. S. 119-49 is further amended by striking from line 7 thereof the word, date and punctuation "June, 1959," and substituting in lieu thereof the date "1964".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 474

CHAPTER 1232

AN ACT AMENDING GENERAL STATUTE 58-56 AND GENERAL STATUTE 105-88 RELATING TO THE LICENSES FOR INSURANCE PREMIUM FINANCE COMPANIES AND PRESCRIBING THE APPLICABLE FEES THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. General Statute 58-56(e) is hereby rewritten to read as follows:

"(e) There shall be two types of licenses issued to an insurance premium finance company:

(1) An "A" type license shall be issued to insurance premium finance companies whose business of insurance premium financing is limited to the financing of insurance premiums of one insurance agent or agency and whose primary function is to finance only the insurance premium of such agent or agency. The license fee for an "A" type license shall be two hundred dollars ($200.00) for each license year or part thereof.

(2) A "B" type license shall be issued to an insurance premium finance company whose business of insurance premium financing is not limited to the financing of insurance premiums of one insurance agent or agency and whose primary function is to finance the insurance premiums of more than one insurance agent or agency. The license fee for a "B" type license shall be nine hundred fifty dollars ($950.00) for each license year or part thereof.

"A branch office license may be issued for either an "A" type or "B" type license. The fee for the branch office license shall be fifty dollars ($50.00) for each license year or part thereof. The examination fee when required by this Section shall be one hundred dollars ($100.00) per application."

Sec. 2. G. S. 105-88(b) is hereby amended by striking the period (.) after the word "property" in line 6 thereof and by adding the following

words and punctuation: ", nor to insurance premium finance companies licensed under Article 4 of Chapter 58 of the General Statutes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 535 CHAPTER 1233

AN ACT TO AMEND THE SECURITIES LAW, SAME BEING CHAPTER 78 OF THE GENERAL STATUTES, SO AS TO PLACE NORTH CAROLINA STATE BANKS ON A PARITY WITH NATIONAL BANKS AND TO MAKE AVAILABLE ADDITIONAL EXEMPTIONS FOR CORPORATIONS ORGANIZED IN THIS STATE.

The General Assembly of North Carolina do enact:

Section 1. G. S. 78-3 (3) is hereby amended by adding to the first line after the word "security" and before the word "issued" the following: "representing an interest in and".

Sec. 2. G. S. 78-4 (7) is hereby rewritten to read as follows:

"(7) subscriptions for sales, or negotiations for sales of securities in domestic corporations if no expense is incurred, and no commission, compensation or remuneration is paid or given for, or in connection with the sale or disposition of such securities; provided that: (a) this exemption is available for the offering of only two classes of securities issued by the same corporation; and, (b) the securities of a single class are not offered to more than 25 persons in this State."

Sec. 3. G. S. 78-4 is hereby amended by adding at the end thereof a new subsection to be numbered and to read as follows:

"(14) any transaction involving the issuance of a security (a) in connection with an employees' stock purchase, savings, pension, profit sharing or similar benefit plan; or, (b) in connection with retirement plans for self-employed individuals if that security is issued: (1) by a bank organized under the laws of the United States, or any bank, savings institution, or trust company organized and supervised under the laws of North Carolina; and, (2) under a plan established in accordance with the United States Internal Revenue Code: Provided, however, that the Secretary of State may by order deny or revoke the exemption of subsection (a) or (b) with respect to a specific security or transaction found to be unlawful, against public policy or contrary to sound business practices."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect on and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 627 CHAPTER 1234

AN ACT TO ALLOW STATE EMPLOYEES AND TEACHERS WHO ARE OVER AGE SIXTY (60) WHEN EMPLOYED TO BECOME ACTIVE MEMBERS IN THE RETIREMENT SYSTEM.

WHEREAS, the 1957 General Assembly extended State matching of contributions for retirement for employees age 60 and through age 65; and

WHEREAS, the 1963 General Assembly extended State matching of contributions for retirement for employees past age 65; and

WHEREAS, the public schools find it necessary to recall to service persons who have retired to relieve the critical shortage of teachers: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. Section 135-3, subdivision (6), of the General Statutes is hereby amended by rewriting the sentence to read:

"Any person who became, or becomes, a 'teacher or employee' after attaining age 60, as the terms are defined in this Chapter, may be a member of the Retirement System effective the date of re-entering service by signing the proper enrollment forms as specified by the Trustees and by paying contributions at the current rate, plus interest, if any."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 666 CHAPTER 1235

AN ACT TO CREATE THE NORTH CAROLINA STATE PARKS AND STATE FORESTS STUDY COMMISSION.

WHEREAS, North Carolina's rapidly increasing population has brought about a growing public demand for outdoor recreation facilities; and

WHEREAS, the State's population growth is centered in urban and suburban areas which require ever-expanding outdoor recreation facilities; and

WHEREAS, the State has no comprehensive plan or policy for meeting present and long range needs for State park and forest resources; and

WHEREAS, there exists a need for improved coordination between Federal, State, local and private efforts to provide for the future recreational needs of the State; and

WHEREAS, recreational uses of land are often compatible with other purposes such as the development of adequate water resources, forest management, and urban renewal; and

WHEREAS, the accelerated development of North Carolina's park and forest facilities for outdoor recreation will enhance the State's tourist and travel industries to the economic benefit and enjoyment of all her citizens; and

WHEREAS, the provision of adequate State park and forest facilities increases community values and promotes the general attractiveness of the State to its citizens and to new industries seeking sites; and

WHEREAS, the Board of Conservation and Development has by special resolution requested the 1967 General Assembly to provide for a commission study of this subject: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. There is hereby created a State Parks and State Forests Study Commission as follows:

The Commission shall consist of 15 members; nine to be named by the Governor, three to be named by the Lieutenant Governor from the membership of the Senate, and three to be named by the Speaker of the House of Representatives from the membership of the House. The Governor shall designate the Chairman of the Commission. Members of the Commission shall receive for their services the same per diem and allowances as are granted the members of State commissions generally, but shall be paid no other compensation.

Sec. 2. Ex officio members of the Commission shall include the Director of the Department of Administration, the Chairman of the North Carolina Department of Conservation and Development, the Chairman of the State Highway Commission, the Chairman of the North Carolina Wildlife Resources Commission, the Chairman of the North Carolina Seashore Commission, the Chairman of the North Carolina Recreation Commission, and the Chairman of the Board of Water Resources.

Sec. 3. The Commission shall inventory and evaluate the public park and public forest facilities in North Carolina and those private lands that may become available for public use in relation to its estimate of present and projected needs, and it shall describe that part of the total needs which are the responsibility of the State and offer a program for meeting these needs.

Sec. 4. The Commission may cooperate with and utilize data available from the State Planning Task Force and its study entitled The North Carolina Comprehensive Outdoor Recreation Plan; the Department of Conservation and Development and other appropriate public agencies. The Commission may employ consultants and full-time personnel, and may rent office space, if necessary, in pursuit of its task.

Sec. 5. The Commission may accept and expend gifts, grants and donations from any and all sources and persons.

Sec. 6. The Commission shall complete its study and report to the Governor and the General Assembly not later than the second week after convening of the 1969 General Assembly.

Sec. 7. The Commission shall be terminated two years from the date of enactment of this Act unless otherwise provided by the General Assembly.

Sec. 8. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 737 CHAPTER 1236

AN ACT RELATIVE TO COMPENSATION OF EMPLOYEES OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Section 1. That G. S. 120-33 be rewritten and amended as follows:

The principal clerks of each house shall be allowed the sum of twenty-four dollars ($24.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The reading clerks and the sergeants-at-arms of each house shall be allowed the sum of eighteen dollars ($18.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The chief enrolling clerk shall be allowed the sum of twenty-four dollars ($24.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from his home to Raleigh and return.

The journal clerks, calendar clerks and chief engrossing clerks in each house shall be allowed the sum of nineteen dollars ($19.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The assistants to the calendar clerk and the assistants to the journal clerk and the clerks to the committees on finance and appropriations of each house and the disbursing clerks and the joint disbursing clerks, and the secretary to the Speaker of the House of Representatives shall be allowed the sum of seventeen dollars ($17.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The assistants to the engrossing clerks and all committee clerks and assistants appointed by the Secretary of State to supervise the enrolling of bills and resolutions shall be allowed the sum of fifteen dollars ($15.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The chief pages of the House of Representatives and the Senate shall receive the sum of eight dollars ($8.00) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. All other pages authorized by either of the two houses shall receive the sum of six dollars and fifty cents ($6.50) per day during the Session of the General Assembly and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return. The chaplain of each house shall be allowed the sum of twelve dollars ($12.00) per day and mileage at the rate of ten cents (10¢) per

mile, for one round trip only, from his home to Raleigh and return. All laborers and assistants to the sergeants-at-arms authorized by law or rules of either the House of Representatives or the Senate shall receive during the Session of the General Assembly the sum of eleven dollars ($11.00) per day and mileage at the rate of ten cents (10¢) per mile, for one round trip only, from their homes to Raleigh and return.

Sec. 1.5. With the Legislative intent to avoid, and to provide against the recurrence, subsequent to the convening of the 1969 General Assembly, of an effort similar to that embodied in this Act, viz: to achieve a retroactive pay raise or bonus, over and above the compensation for which the affected employees agreed to render the services for which they were employed, which agreements as to compensation were made when said employees accepted employment at or near the beginning of the 1967 Session of the General Assembly, the Legislative Research Commission is hereby requested and directed to make or cause to be made, at as early a date as is practicable, a study of position classifications, minimum and maximum ages of persons to be employed, and salary ranges for clerical and secretarial employees and other employees of the General Assembly herein mentioned. In making or causing said study to be made the said Legislative Research Commission is requested to seek the counsel and advice of the presiding officers, the principal clerks and the sergeants-at-arms of the Senate and the House of Representatives, the Director of the Department of Administration, the State Budget Officer and the Advisory Budget Commission. Said Legislative Research Commission is requested to make a report of the results of its study and to submit the same, with its recommendations, to the 1969 General Assembly.

Sec. 2. This Act shall be retroactive to and including the fifteenth day of April, 1967.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 738 CHAPTER 1237

AN ACT TO AMEND SECTIONS OF THE GENERAL STATUTES RELATING TO SALARIES OF EXECUTIVE OFFICERS OF THE STATE GOVERNMENT AS AUTHORIZED BY ARTICLE III, SECTION 15, OF THE NORTH CAROLINA CONSTITUTION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 147 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 2 of G. S. 147-35 and inserting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)"; by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 2 of G. S. 147-55 and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)"; by deleting the words and figures "eighteen thousand dollars ($18,000.00)"

from line 2 of G. S. 147-65 and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 2. Chapter 115 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 3 of the second paragraph of G. S. 115-13, and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 3. Chapter 114 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 2 of G. S. 114-7 and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 4. Chapter 106 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 2 of G. S. 106-11, and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 5. Chapter 95 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 4 of G. S. 95-2, and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 6. Chapter 58 of the General Statutes is amended by deleting the words and figures "eighteen thousand dollars ($18,000.00)" from line 2 of G. S. 58-6 and substituting in lieu thereof the words and figures "twenty thousand dollars ($20,000.00)".

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect on and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 743 CHAPTER 1238

AN ACT TO AMEND CHAPTER 62 OF THE GENERAL STATUTES SO AS TO FIX THE SALARIES OF MEMBERS OF THE UTILITIES COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. G. S. 62-10, as the same appears in the 1965 Replacement Volume 2-B, General Statutes of North Carolina is amended by striking from lines 25 and 26 the words "highest paid Members of the Council of State" and inserting in lieu thereof the words "Judges of the Superior Court."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be effective from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. B. 749 **CHAPTER 1239**

AN ACT TO FIX THE COMPENSATION OF THE MAYOR AND MEMBERS OF THE GOVERNING BODY OF THE TOWN OF ANGIER IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the Town of Angier is hereby authorized, in its discretion, to fix the salary of the mayor at a sum not to exceed sixty dollars ($60.00) per month, and to fix the salaries of the members of the governing body of the Town of Angier at a sum not to exceed forty dollars ($40.00) per month.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 297 **CHAPTER 1240**

AN ACT TO AMEND G. S. 18-39(3) SO AS TO PROVIDE FUNDS TO THE DEPARTMENT OF MENTAL HEALTH FOR EDUCATION, RESEARCH, TREATMENT AND REHABILITATION OF ALCOHOLICS AND FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF FACILITIES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 18-39(3) is hereby amended by deleting the period following the words "general fund" in line 21 of said subsection, by inserting a comma in lieu thereof, and by adding the following words and punctuation: "and shall be subject to appropriation by the General Assembly to the same degree as any other monies deposited in said general fund."

Sec. 2. There is hereby appropriated from the general fund to the Department of Mental Health the sum of five hundred thousand dollars ($500,000.00) for the biennium, 1967-1969, and during each biennium thereafter, which funds shall be expended for programs to be designated by the Department of Mental Health for alcoholic rehabilitation on the local level except that one hundred thousand dollars ($100,000.00) of said appropriation shall be used by the Department of Mental Health for establishment of a devision on alcoholism to direct and coordinate departmental alcoholism programs at the local level.

Sec. 3. Said funds shall be made available to local government alcoholic rehabilitation agencies to be used by such agencies in accordance with the alcoholic rehabilitation program of the Department of Mental Health, for local programs of education, treatment of alcoholics, and to provide counseling and advisory services to alcoholics and their families, and to any person directly affected by alcoholics and alcoholism.

Sec. 4. Before any funds shall be made available to any local government agency said agency shall have matched, on a dollar for dollar basis, the funds made available for the purposes herein stated.

Sec. 5. Any local government unit, whether city or county, may combine with any other local government unit or units to form a multi-city, or multi-county governmental agency for the purposes herein set forth. Before such agency shall be eligible to receive matching funds for the purposes herein expressed, it must have first submitted a plan for alcoholic rehabilitation, education and counseling which shall have been approved by the Department of Mental Health as being in accordance with the State-wide program. It shall be a pre-requisite to approval that at least fifty per cent (50%) of the total expenditure by any local agency shall be for programs of education in regard to alcoholism and for dissemination of facts regarding the use of beverage alcohol, and a portion of such fifty per cent (50%) of said funds shall be for counseling, advising and treating the spouses, members of the families of alcoholics, and any other persons directly affected by alcoholics and alcoholism when, in the opinion of the Department of Mental Health, such treatment of such persons would be necessary or advisable.

Sec. 6. Funds from the appropriation herein made may be expended for construction of local alcoholic rehabilitation centers, if matched for such purpose on a dollar for dollar basis, only if such construction shall have been approved by the Department of Mental Health, and express authorization shall have been granted by the General Assembly.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 619 CHAPTER 1241

AN ACT TO CREATE THE OFFENSE OF HABITUAL FELON AND TO PROVIDE FOR THE PUNISHMENT OF THE VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Persons Defined as Habitual Felons. Any person who has been convicted of or pled guilty to three felony offenses in any Federal court or State court in the United States or combination thereof is declared to be an habitual felon. For the purpose of this Act, a felony offense is defined as an offense which is a felony under the laws of the State or other sovereign wherein a plea of guilty was entered or a conviction was returned regardless of the sentence actually imposed. Provided, however, that federal offenses relating to the manufacture, possession, sale and kindred offenses involving intoxicating liquors shall not be considered felonies for the purposes of this Act. For the purposes of this Act, felonies committed before a person attains the age of 21 years shall not constitute more than one felony. The commission of a second felony shall not fall

within the purview of this Act unless it is committed after the conviction of or plea of guilty to the first felony. The commission of a third felony shall not fall within the purview of this Act unless it is committed after the conviction of or plea of guilty to the second felony. Pleas of guilty to or convictions of felony offenses prior to the effective date of this Act shall not be felony offenses within the meaning of this Act. Any felony offense to which a pardon has been extended shall not for the purpose of this Act constitute a felony. The burden of proving such pardon shall rest with the defendant and the State shall not be required to disprove a pardon.

Sec. 2. Punishment. When any person is charged by indictment with the commission of a felony under the laws of the State of North Carolina and is also charged with being an habitual felon as defined in Section 1 of this Act, he must, upon conviction, be sentenced and punished as an habitual felon, as in this Chapter provided, except in those cases where the death penalty is imposed.

Sec. 3. Charge of Habitual Felon. An indictment which charges a person who is an habitual felon within the meaning of Section 1 of this Act with the commission of any felony under the laws of the State of North Carolina must, in order to sustain a conviction of habitual felon, also charge that said person is an habitual felon. The indictment charging the defendant as an habitual felon shall be separate from the indictment charging him with the principal felony. An indictment which charges a person with being an habitual felon must set forth the date that prior felony offenses were committed, the name of the state or other sovereign against whom said felony offenses were committed, the dates that pleas of guilty were entered to or convictions returned in said felony offenses, and the identity of the court wherein said pleas or convictions took place. No defendant charged with being an habitual felon in a bill of indictment shall be required to go to trial on said charge within 20 days of the finding of a true bill by the grand jury; provided, the defendant may waive this 20-day period.

Sec. 4. Evidence of Prior Convictions of Felony Offenses. In all cases where a person is charged under the provisions of this Act with being an habitual felon, the record or records of prior convictions of felony offenses shall be admissible in evidence, but only for the purpose of proving that said person has been convicted of former felony offenses. A judgment of a conviction or plea of guilty to a felony offense certified to a Superior Court of this State from the custodian of records of any state or Federal court under the same name as that by which the defendant is charged with habitual felon shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

Sec. 5. Verdict and Judgment. When an indictment charges an habitual felon with a felony as above provided and an indictment also charges that said person is an habitual felon as provided herein, the defendant shall be tried for the principal felony as provided by law. The indictment that the person is an habitual felon shall not be revealed to the jury unless the jury shall find that the defendant is guilty of the

principal felony or other felony with which he is charged. If the jury finds the defendant guilty of a felony, the bill of indictment charging the defendant as an habitual felon may be presented to the same jury. Except that the same jury may be used, the proceedings shall be as if the issue of habitual felon were a principal charge. If the jury finds that the defendant is an habitual felon, the trial judge shall enter judgment according to the provisions of this Article. If the jury finds that the defendant is not an habitual felon, the trial judge shall pronounce judgment on the principal felony or felonies as provided by law.

Sec. 6. Sentencing of Habitual Felons. When an habitual felon as defined in this Chapter shall commit any felony under the laws of the State of North Carolina, he must, upon conviction or plea of guilty under indictment in form as herein provided (except where the death penalty is imposed) be sentenced as an habitual felon; and his punishment must be fixed at a term of not less than 20 years in the State Prison nor more than life imprisonment; and such offender shall not be eligible for parole until he has actually served seventy-five per cent (75%) of the prison sentence so imposed. Said sentence imposed under the terms of this Act shall not be reduced for good behavior, for other cause, or by any means below seventy-five per cent (75%) of the prison sentence so imposed, nor shall the same be suspended. For the purposes of determining the eligibility for parole for a person sentenced to life imprisonment under the provisions of this Act, the life sentence shall be considered as a sentence of 40 years. Nothing in this Chapter shall be construed or considered as seeking or tending to impair the pardoning powers of the Governor of the State of North Carolina.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 732 CHAPTER 1242

AN ACT TO PROVIDE FOR THE NOMINATION AND ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OF DAVIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Education of Davie County shall, on and after the first Monday in April, 1969, consist of six members who shall be elected in the manner hereinafter provided.

Sec. 2. At the same time the primary election for county officers is held in Davie County in 1968, and biennially thereafter, there shall be held a nonpartisan election to elect two members of the Board of Education of Davie County, to serve for six-year terms.

Sec. 3. Each candidate shall file his candidacy, without reference to any political party affiliation, with the Chairman of the County Board of Elections within the time now provided for the filing of candidates for

any other county office. A filing fee of five dollars ($5.00) shall be paid by each candidate. There shall be a separate ballot provided by the County Board of Elections with the names of the candidates printed thereon with appropriate instructions for use in the election of members of the Board of Education, and no political party affiliation shall be shown on said ballot. The two candidates receiving the highest number of votes in the election of 1968, and biennially thereafter, shall be certified as the duly elected members of the Board of Education.

Sec. 4. The two members of the Board of Education of Davie County elected in 1968 and biennially thereafter shall be inducted into and take the oath of office on the first Monday in April following their election, and shall serve for terms of six years and until their successors are elected and qualified. All members of the Board of Education of Davie County who are in office and acting as such members prior to the first Monday in April, 1969, shall complete their respective terms of office. The said Board of Education shall consist of six members serving six-year terms with two vacancies occurring every two years.

Sec. 5. All vacancies occurring in the membership of the Board of Education of Davie County by death, resignation or otherwise shall be filled for the unexpired term by the remaining members of said Board of Education.

Sec. 6. All elections for the members of the Board of Education of Davie County as herein provided shall be held under the laws and regulations governing elections for county offices as provided in Chapter 163 of the General Statutes, as amended.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 850 CHAPTER 1243

AN ACT TO FIX THE TERMS OF OFFICE OF THE BOARD OF COMMISSIONERS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of electing its county commissioners, the County of Harnett is hereby divided into five districts as follows:

(1) District one shall consist of Aversboro Township;

(2) District two shall consist of Duke and Grove Townships;

(3) District three shall consist of Black River, Neill's Creek, Hector's Creek and Buckhorn Townships;

(4) District four shall consist of Lillington, Stewart's Creek, and Anderson Creek Townships;

(5) District five shall consist of Upper Little River, Barbecue, and Johnsonville Townships.

Sec. 2. In the primary election for county officers, to be held in Harnett County in 1968, candidates for the board of county commissioners shall be nominated as now provided by law.

Sec. 3. At the general election for county officers to be held in Harnett County in 1968, the three candidates elected from their districts to serve as members of the board of county commissioners with the most total votes shall serve for a period of four years and until their successors are elected and qualified. Their first term shall commence the first Monday in December, 1968. The two candidates elected from their districts to serve as members of the board of county commissioners, with the least total votes shall serve for a period of two years and until their successors are elected and qualified. Their first term shall commence the first Monday in December, 1968.

The candidates nominated from each district shall be voted on in the general election by the qualified voters of the entire county and the candidate from each district receiving the largest number of votes shall be declared elected to serve as a member of the board of commissioners from his district.

At the general election for county officers in 1970, and biennially thereafter, there shall be elected candidates equal to the number of commissioners whose terms next expire, who shall serve for a term of four years and until their successors are elected and qualified.

Sec. 4. In the primary election for county officers in Harnett County in 1970, and biennially thereafter, there shall be nominated by each political party one candidate for membership on the board of county commissioners from each district where the term of office for its member on the board of county commissioners expires on the first Monday in December of that year. The candidate from each district shall be nominated as now provided by law, and the candidate for each political party receiving the majority of the votes cast for the candidates from his district shall be declared nominated.

Sec. 5. In the event any district as established in Section 1 of this Act should not be represented on the board of county commissioners of Harnett County for any reason, then in such event the clerk of superior court of Harnett County shall appoint some competent and qualified person from the district which has no representation, such person to serve as a member of the board of commissioners of Harnett County for the duration of the term for which he is appointed and until his successor is elected and qualified.

Sec. 6. At the general election for county officers in 1968, it shall be the duty of the county board of elections to submit to the qualified voters of Harnett County the question of electing members of the county board of commissioners for terms of four years, as provided in this Act. Upon the ballot shall be printed the words "FOR Electing County Commissioners for Four-Year Terms"; "AGAINST Electing County Commissioners for Four-Year Terms".

If a majority of votes cast shall be for electing county commissioners for four-year terms, then Section 3 of this Act shall become effective as to those commissioners elected in 1968 and thereafter.

If a majority of the votes cast shall be against electing county commissioners for four-year terms, then this Act shall be null and void and the commissioners shall be nominated and elected for the same term and in the same manner as provided by prior laws.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1076 CHAPTER 1244

AN ACT RELATING TO THE ILLEGAL USE OF CREDIT CARDS.

The General Assembly of North Carolina do enact:

Section 1. Article 19A of Chapter 14 of the General Statutes is hereby amended by striking out the words "card" and "credit card" wherever they appear in said Article, and by adding the following as G. S. 14-113.7a:

"This Article shall not be construed as being applicable to any credit card as the term is defined in G. S. 14-113.8."

Sec. 2. A new Article 19B of Chapter 14 of the General Statutes is hereby added, which Article shall be entitled the "Credit Card Crime Act", and shall read as follows:

"§ 14-113.8. Definitions. The following words and phrases as used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) Cardholder. 'Cardholder' means the person or organization named on the fact of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(2) Credit card. 'Credit card' means any instrument or device, whether known as a credit card, credit plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit.

(3) Expired credit card. 'Expired credit card' means a credit card which is no longer valid because the term shown on it has elapsed.

(4) Issuer. 'Issuer' means the business organization or financial institution which issues a credit card or its duly authorized agent.

(5) Receives. 'Receives' or 'receiving' means acquiring possession or control or accepting as security for a loan.

(6) Revoked credit card. 'Revoked credit card' means a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

"G. S. 14-113.9. Credit Card Theft. (1) A person is guilty of credit card theft when:

a. He takes, obtains or withholds a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been so taken, obtained or withheld, receives the credit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder; or

b. He receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder; or

c. He, not being the issuer, sells a credit card or buys a credit card from a person other than the issuer; or

d. He, not being the issuer, during any 12-month period, receives credit cards issued in the names of two or more persons which he has reason to know were taken or retained under circumstances which constitute a violation of G. S. 14-113.13(1)(c) and paragraph c of subdivision 1 of this Section.

(2) Taking, obtaining or withholding a credit card without consent is included in conduct defined in G. S. 14-75 as larceny.

Conviction of credit card theft is punishable as provided in G. S. 14-113.18(2).

"G. S. 14-113.10. Prima Facie Evidence of Theft. When a person has in his possession or under his control credit cards issued in the names of two or more persons other than members of his immediate family, such possession shall be prima facie evidence that such credit cards have been obtained in violation of subdivision 1 of G. S. 14-113.9.

"G. S. 14-113.11. Forgery of Credit Card. (1) A person is guilty of credit card forgery when:

a. With intent to defraud a purported issuer, a person or organization providing money, goods, services or anything else of value, or any other person, he falsely makes or falsely embosses a purported credit card or utters such a credit card; or

b. He, not being the cardholder or a person authorized by him, with intent to defraud the issuer, or a person or organization providing money, goods, services or anything else of value, or any other person, signs a credit card.

(2) A person falsely makes a credit card when he makes or draws, in whole or in part, a device or instrument which purports to be the credit card of a named issuer but which is not such a credit card because the issuer did not authorize the making or drawing, or alters a credit card which was validly issued.

(3) A person falsely embosses a credit card when, without the authorization of the named issuer, he completes a credit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder. Conviction of credit card forgery shall be punishable as provided in G. S. 14-113.18(2).

"G. S. 14-113.12. Prima Facie Evidence of Forgery. (1) When a person, other than the purported issuer, possesses two or more credit cards which are falsely made or falsely embossed, such possession shall be prima facie evidence that said cards were obtained in violation of G. S. 14-113.11(1)(a).

(2) When a person, other than the card holder or a person authorized by him, possesses two or more credit cards which are signed, such possession shall be prima facie evidence that said cards were obtained in violation of G. S. 14-113.11(1)(b).

"G. S. 14-113.13. Credit Card Fraud. (1) A person is guilty of credit card fraud when, with intent to defraud the issuer, a person or organization providing money, goods, services or anything else of value, or any other person, he

a. Uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of G. S. 14-113.9 or a credit card which he knows is forged, expired or revoked; or

b. Obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and such card has not in fact been issued; or

c. Obtains control over a credit card as security for debt.

(2) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employee of such person, is guilty of a credit card fraud when, with intent to defraud the issuer or the cardholder, he

a. Furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of G. S. 14-113.9, or a credit card which he knows is forged, expired or revoked; or

b. Fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished. Conviction of credit card fraud is punishable as provided in G. S. 14-113.17(1) if the value of all money, goods, services and other things of value furnished in violation of this Section, or if the difference between the value of all money, goods, services and anything else of value actually furnished and the value represented to the issuer to have been furnished in violation of this Section, does not exceed five hundred dollars ($500.00) in any six-month period; conviction of credit card fraud is punishable as provided in G. S. 14-113.17(2) if such value exceeds five hundred dollars ($500.00) in any six-month period.

"G. S. 14-113.14. Criminal Possession of Credit Card Forgery Devices. (1) A person is guilty of criminal possession of credit card forgery devices when:

a. He is a person other than the cardholder and possesses two or more incomplete credit cards, with intent to complete them without the consent of the issuer; or

b. He possesses, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be credit cards of an issuer who has not consented to the preparation of such credit cards.

(2) A credit card is incomplete if part of the matter other than the signature of the cardholder, which an issuer requires to appear on the credit card before it can be used by a cardholder, has not yet been stamped, embossed, imprinted or written upon.

Conviction of criminal possession of credit card forgery devices is punishable as provided in G. S. 14-113.17(2).

"G. S. 14-113.15. Criminal Receipt of Goods and Services Fraudulently Obtained. A person is guilty of criminally receiving goods and services

fraudulently obtained when he receives money, goods, services or anything else of value obtained in violation of G. S. 14-113.13(1) with the knowledge or belief that the same were obtained in violation of G. S. 14-113.13(1). Conviction of criminal receipt of goods and services fraudulently obtained is punishable as provided in G. S. 14-113.17(1) if the value of all money, goods, services and anything else of value, obtained in violation of this Section, does not exceed five hundred dollars ($500.00) in any six-month period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as provided in G. S. 14-113.17(2) if such value exceeds five hundred dollars ($500.00) in any six-month period.

"G. S. 14-113.16. Presumption of Criminal Receipt of Goods and Services Fraudulently Obtained. (1) A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company from other than an authorized agent of such company which was acquired in violation of G. S. 14-113.13(1) without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of G. S. 14-113.13(1).

"G. S. 14-113.17. Punishment and Penalties. (1) A person who is subject to the punishment and penalties of this subsection shall be fined not more than one thousand dollars ($1,000.00) or imprisoned not more than one year, or both.

(2) A crime punishable under this subsection is a felony and shall be punishable by a fine of not more than three thousand dollars ($3,000.00) or imprisonment for not more than three years, or both."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1144 CHAPTER 1245

AN ACT TO PROHIBIT THE TRANSACTION OF INSURANCE BUSINESS THROUGH THE USE OF CREDIT CARD FACILITIES, INCLUDING THE SOLICITATION, NEGOTIATION OR PAYMENT OF PREMIUMS ON POLICIES OF INSURANCE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 58 of the General Statutes of North Carolina is hereby amended by adding immediately after Article 4 thereof a new Article to be designated as "Article 4A" and to read as follows:

"Article 4A

"Insurance Business Through Credit Cards Prohibited.

"§ 58-61.2. Solicitation, Negotiation or the Payment of Premiums on Insurance Policies Through Credit Card Facilities Prohibited; Exceptions. Except as otherwise provided herein, no authorized insurer and no representative of such insurer or insurance broker shall employ or avail

itself of the facilities of any person, firm or corporation engaged in the credit card business to solicit or negotiate any contract of insurance upon any life or risk within the State of North Carolina, or accept the payment of premiums upon a policy of insurance, insuring any life or risk in the State of North Carolina, through the use of any credit card facility. Except as otherwise provided herein, no person, firm or corporation engaged in the business of extending credit through a credit card system shall, on behalf of any insurer, its representative of any insurance broker, utilize his or its credit card facilities to solicit for, negotiate contracts of insurance or accept the payment of premiums upon any contract of insurance from credit card holders or prospective credit card holders who reside in this State. The solicitation for and the negotiation of policies of insurance prohibited by this Section shall include, but shall not be limited to, the transmittal of applications for insurance, premium rate schedules, circulars, letters or sales literature pertaining to insurance to credit card holders or prospective credit card holders who reside in this State. Credit card business as used in this Section shall mean the business of extending credit to persons who are holders of credit cards issued by the credit card facility or organization entitling the holder to pay charges for purchases or other transactions through the use of credit card facilities.

"Nothing in this Article shall prohibit an authorized insurer, the representative of such insurer, or an insurance broker from accepting payment of an insurance premium through a credit card facility provided and operated by a banking corporation principally domiciled in this State and doing business under the laws of the State of North Carolina or the United States. No such bank shall be prohibited from making such credit card facility available for this limited purpose, provided, that all records relating to the payment of insurance premiums through such credit card facility are maintained within the State of North Carolina.

"Nothing in this Article shall prohibit an authorized insurer, the representative of such insurer, or an insurance broker from notifying its or his customers or prospective customers through means other than credit card facilities of the availability of credit card facilities for the payment of insurance premiums."

Sec. 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the Act which can be given separate effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be effective from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1189 **CHAPTER 1246**

AN ACT TO AMEND G. S. 20-279.21, RELATING TO MOTOR VEHICLE LIABILITY POLICIES SO AS TO PROVIDE THAT DEFAULT JUDGMENTS TAKEN AGAINST INSUREDS HOLDING POLICIES UNDER THE ASSIGNED RISK PLAN SHALL NOT BE USED AS A BASIS FOR JUDGMENT AGAINST AN ASSIGNED RISK INSURER, UNLESS SUCH INSURER HAS HAD REASONABLE NOTICE OF THE PENDENCY OF SUIT AGAINST ITS INSURED AND AN OPPORTUNITY TO DEFEND.

The General Assembly of North Carolina do enact:

Section 1. G. S. 20-279.21(f)(1) is hereby rewritten to read as follows:

"Except as hereinafter provided, and with respect to policies of motor vehicle liability insurance written under the North Carolina Assigned Risk Plan, the liability of the insurance carrier with respect to the insurance required by this Article shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy. As to policies issued to insureds in this State under the assigned risk plan, a default judgment taken against an assigned risk insured shall not be used as a basis for obtaining judgment against the insurer unless counsel for the plaintiff has forwarded to the insurer, or to one of its agents, by registered mail with return receipt requested, a copy of summons, complaint, or other pleading, filed in the action. The return receipt shall, upon its return to plaintiff's counsel, be filed with the clerk of court wherein the action is pending against the insured and shall be admissible in evidence as proof of notice to the insurer. The refusal of insurer or its agent to accept delivery of the registered mail, as provided in this Section, shall not affect the validity of such notice and any insurer or agent of an insurer refusing to accept such registered mail shall be charged with the knowledge of the contents of such notice. When notice has been sent to an agent of the insurer such notice shall be notice to the insurer. The word 'agent' as used in this subsection shall include, but shall not be limited to, any person designated by the insurer as its agent for the service of process, any person duly licensed by the insurer in the State as insurance agent, any general agent of the company in the State of North Carolina, and any employee of the company in a managerial or other responsible position, or the North Carolina Commissioner of Insurance; Provided, where the return receipt is signed by an employee of the insurer or an employee of an agent for the insurer, shall be deemed for the purposes of this subsection to have been received. The term 'agent' as used in this subsection shall not include a producer of record or broker, who forwards an application for insurance to the Assigned Risk Bureau. The Commissioner of Motor Vehicles and the North Carolina Assigned Risk Bureau, shall, upon request made, furnish to the plaintiff or his counsel the identity and address of the insurance carrier as shown upon the records of the Depart-

ment or the Bureau, and whether the policy is an assigned risk policy. Neither the Department of Motor Vehicles nor the Assigned Risk Bureau shall be subject to suit by reason of a mistake made as to the identity of the carrier and its address in response to a request made for such information.

The insurer upon receipt of summons, complaint or other process, shall be entitled, upon its motion, to intervene in the suit against its insured as a party defendant and to defend the same in the name of its insured. In the event of such intervention by an insurer it shall become a named party defendant. The insurer shall have 30 days from the signing of the return receipt acknowledging receipt of the summons, complaint or other pleading, in which to file a motion to intervene, along with any responsive pleading, whether verified or not, which it may deem necessary to protect its interest: Provided, the court having jurisdiction over the matter may, upon motion duly made, extend the time for the filing of responsive pleading or continue the trial of the matter for the purpose of affording the insurer a reasonable time in which to file responsive pleading or defend the action. If, after receiving copy of the summons, complaint or other pleading, the insurer elects not to defend the action, if coverage is in fact provided by the policy, the insurer shall be bound to the extent of its policy limits to the judgment taken by default against the insured, and non-cooperation of the insured shall not be a defense.

If the plaintiff initiating an action against the insured has complied with the provisions of this subsection, then, in such event, the insurer may not cancel or annul the policy as to such liability and the defense of non-cooperation shall not be available to the insurer: Provided, however, nothing in this Section shall be construed as depriving an insurer of its defenses that the policy was not in force at the time in question, that the operator was not an 'insured' under policy provisions, or that the policy had been lawfully cancelled at the time of the accident giving rise to the cause of action.

Provided further that the provisions of this Act shall not apply when the assigned risk insured has delivered a copy of the summons, complaint or other pleadings served on him to his insurance carrier within the time provided by law for filing answer, demurrer or other pleadings."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective on and after July 1, 1967 and shall apply to any action or actions initiated thereafter.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1194 **CHAPTER 1247**

AN ACT TO PROVIDE FOR THE ACQUISITION OF PROPERTY FOR THE RESTORATION, PRESERVATION AND ENHANCEMENT OF NATURAL OR SCENIC BEAUTY OF AREAS ALONG THE STATE HIGHWAYS.

The General Assembly of North Carolina do enact:

Section 1. Legislative Findings and Declaration of Policy. The General Assembly finds that the rapid growth and the spread of urban develop-

ment along and near the State highways is encroaching upon or eliminating many areas having significant scenic or aesthetic values, which if restored, preserved and enhanced would promote the enjoyment of travel and the protection of the public investment in highways within the State and would constitute important physical, aesthetic or economic assets to the State. It is the intent of the General Assembly in enacting this statute to provide a means whereby the State Highway Commission may acquire the fee or any lesser interest or right in real property in order to restore, preserve and enhance natural or scenic beauty of areas traversed by the highways of the State highway system.

The General Assembly hereby declares that it is a public purpose and in the public interest of the people of North Carolina, to expend public funds, in connection with the construction, reconstruction or improvement of State highways, for the acquisition of the fee or any lesser interest in real property in the vicinity of public highways forming a part of the State highway system, in order to restore, preserve and enhance natural or scenic beauty. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation and promotion of public convenience, safety and welfare.

Sec. 2. Restoration, Preservation and Enhancement of Natural or Scenic Beauty. The State Highway Commission is hereby authorized and empowered to acquire by purchase, exchanges or gift, the fee simple title or any lesser interest therein in real property in the vicinity of public highways forming a part of the State highway system, for the restoration, preservation and enhancement of natural or scenic beauty; provided that no lands, rights of way or facilities of a public utility as defined by G. S. 62-3(23), or of an Electric Membership Corporation or Telephone Membership Corporation, may be acquired, except that the Commission upon payment of the full cost thereof may require the relocation of electric distribution or telephone lines or poles; provided further, that such lands may be acquired by the Commission with the consent of the public utility or membership corporation.

Sec. 3. Availability of Federal Aid Funds. The State Highway Commission shall not be required to expend any funds for the acquisition of property under the provisions of this Act unless federal aid funds are made available for this purpose.

Sec. 4. Regulation of Scenic Easements. The State Highway Commission shall have the authority to promulgate rules and regulations governing the use, maintenance and protection of the areas or interests acquired under this Act. Any violation of such rules and regulations shall be a misdemeanor.

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1195 **CHAPTER 1248**

AN ACT TO PROVIDE FOR THE CONTROL AND REGULATION OF OUTDOOR ADVERTISING IN THE VICINITY OF THE INTERSTATE AND PRIMARY HIGHWAY SYSTEM, AND FOR THE ADMINISTRATION OF SUCH CONTROLS AND REGULATIONS.

The General Assembly of North Carolina do enact:

Section 1. This Act may be cited as the Outdoor Advertising Control Act.

Sec. 2. Declaration of Policy. The General Assembly hereby finds and declares that outdoor advertising is a legitimate commercial use of private property adjacent to roads and highways but that the erection and maintenance of outdoor advertising signs and devices in areas in the vicinity of the right of way of the Interstate and primary highways within the State should be controlled and regulated in order to promote the safety, health, welfare and convenience and enjoyment of travel on and protection of the public investment in highways within the State, to prevent unreasonable distraction of operators of motor vehicles and to prevent interference with the effectiveness of traffic regulations and to promote safety on the highways, to attract tourists and promote the prosperity, economic well-being and general welfare of the State, and to preserve and enhance the natural scenic beauty of the highways and areas in the vicinity of the State highways and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is the intention of the General Assembly to provide and declare herein a public policy and statutory basis for the regulation and control of outdoor advertising.

Sec. 3. Definitions. As used in this Act.

a. "Interstate System" means that portion of the National System of Interstate and Defense Highways located within the State, as officially designated, or as may hereafter be so designated, by the State Highway Commission, or other appropriate authorities.

b. "Primary Systems" means that portion of connected main highways, as now officially designated, or as may hereafter be so designated by the North Carolina State Highway Commission as primary system, or other appropriate authorities.

c. "Outdoor Advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the Interstate or primary system.

d. "Safety Rest Area" means an area or site established and maintained within or adjacent to the highway right of way by or under public supervision or control, for the convenience of the traveling public.

e. "Information Center" means an area or site established and maintained at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as the State Highway Commission may consider desirable.

Sec. 4. Limitations of Outdoor Advertising Devices. No outdoor advertising shall be erected or maintained within 660 feet of the nearest edge of the right of way of the Interstate or primary highways in this State so as to be visible from the main-traveled way thereof after the effective day of this Act except the following:

a. Directional and other official signs and notices, which signs and notices shall include those authorized and permitted by Chapter 136 of the General Statutes, which include but are not limited to official signs and notices pertaining to natural wonders, scenic and historic attractions and signs erected and maintained by a public utility, electric or telephone membership corporation, or municipality for the purpose of giving warning of or information as to the location of an underground cable, pipeline or other installation.

b. Outdoor advertising which advertises the sale or lease of property upon which it is located.

c. Outdoor advertising which advertises activities conducted on the property upon which it is located.

d. Outdoor advertising, in conformity with the rules and regulations promulgated by the State Highway Commission, located in areas which are zoned industrial or commercial under authority of State law.

e. Outdoor advertising, in conformity with the rules and regulations promulgated by the State Highway Commission, located in unzoned commercial or industrial areas.

Sec. 5. Regulation of Advertising. The State Highway Commission is authorized to promulgate rules and regulations governing the erection and maintenance of outdoor advertising permitted in subsections (a), (d) and (e) of Section 4 herein, as may be necessary to carry out the policy of the State declared in this Act.

Sec. 6. Removal of Existing Nonconforming Advertising. The State Highway Commission is authorized to acquire by purchase, gift or condemnation all outdoor advertising and all property rights pertaining thereto which are prohibited under the provisions of Section 4 of this Act, provided such outdoor advertising is in lawful existence on the effective date of this Act or provided that it is lawfully erected after the effective date of this Act.

In any acquisition, purchase or condemnation, just compensation to the owner of the outdoor advertising, where the owner of the outdoor advertising does not own the fee, shall be limited to the fair market value at the time of the taking of the outdoor advertising owner's interest in the real property on which the outdoor advertising is located and such value shall include the value of the outdoor advertising.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee or other interest in the real property upon which the outdoor advertising is located where said owner does not own the outdoor advertising located thereon shall be limited to the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Commission of the right to erect and maintain such outdoor advertising thereon and in arriving at the fair market value

after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration.

In any acquisition, purchase or condemnation, just compensation to the owner of the fee in the real property upon which the outdoor advertising is located, where said owner also owns the outdoor advertising located thereon, shall be limited to the fair market value of the outdoor advertising plus the difference in the fair market value of the entire tract immediately before and immediately after the taking by the Commission of the right to erect and maintain such outdoor advertising thereon and in arriving at the fair market value after the taking, any special or general benefits accruing to the property by reason of the acquisition shall be taken into consideration.

Sec. 7. Condemnation Procedure. For the purpose of this Act, the State Highway Commission shall use the procedure for condemnation of real property as provided by Article 9 of Chapter 136 of the General Statutes.

Sec. 8. Permits Required. No person shall construct or maintain any outdoor advertising within 660 feet of the nearest edge of the right of way of the Interstate or primary highway system, except those permitted under Section 4, subsections (b) and (c) of this Act, without first obtaining a permit from the State Highway Commission. The permit shall be valid until revoked for the nonconformance with this Act or rules and regulations promulgated by the State Highway Commission thereunder. Any person aggrieved by any action of the State Highway Commission in refusing to grant or in revoking a permit may appeal in accordance with the terms of Article 33 of Chapter 143 of the General Statutes.

Sec. 9. Unlawful Advertising. Any outdoor advertising erected after the effective date of this Act in violation of the provisions of this Act, shall be unlawful and shall constitute a nuisance. The State Highway Commission shall give 30 days' notice by certified mail to the owner of the nonconforming outdoor advertising if such owner is known or can by reasonable diligence be ascertained, to move the outdoor advertising or to make it conform to the provisions of this Act and rules and regulations promulgated by the State Highway Commission hereunder. The State Highway Commission or its agents shall have the right to remove the nonconforming outdoor advertising at the expense of the said owner, if the said owner fails to act within 30 days after receipt of such notice. The State Highway Commission or its agents may enter upon private property for the purpose of removing outdoor advertising prohibited by this Act or rules and regulations promulgated by the State Highway Commission hereunder without civil or criminal liability.

Sec. 10. Enforcement Provisions. Any person, firm, corporation or association placing or erecting outdoor advertising along the Interstate system or primary system in violation of this Act shall be guilty of a misdemeanor. In addition thereto, the State Highway Commission may seek injunctive relief in the Superior Court of the county in which the said nonconforming outdoor advertising is located and require the outdoor advertising to conform to the provisions of this Act and rules and regula-

tions promulgated pursuant hereto, or require the removal of the said nonconforming outdoor advertising.

Sec. 11. Zoning Changes. All zoning authorities shall give written notice to the State Highway Commission of the establishment or revision of any commercial and industrial zones within 660 feet of the right of way of Interstate or primary highways. Notice shall be by registered mail sent to the offices of the State Highway Commission in Raleigh, North Carolina, within 15 days after the effective date of the zoning change or establishment.

Sec. 12. Information Directories. The State Highway Commission is authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas and to establish information centers at safety rest areas and install signs on the right of way for the purpose of informing the public of facilities for food, lodging and vehicle services and of places of interest and for providing such other information as may be considered desirable.

Sec. 13. Agreements with United States Authorized. The State Highway Commission is authorized to enter into agreements with other governmental authorities relating to the control of outdoor advertising in areas adjacent to the Interstate and primary highway systems, including the establishment of information centers and safety rest areas, and to take action in the name of the State to comply with the terms of the agreements.

Sec. 14. Alternate Control. In addition to any other control provided for in this Act, the State Highway Commission may regulate outdoor advertising in accordance with the standards provided by this Act and regulations promulgated pursuant thereto, by the acquisition by purchase, gift, or condemnation of easements or any other interests in real property prohibiting or controlling the erection and maintenance of advertising within 660 feet of the right of way line of the Interstate and primary system of the State.

Sec. 15. Availability of Federal Aid Funds. The State Highway Commission shall not be required to expend any funds for the regulation of outdoor advertising under this Act, nor shall the provisions of this Act, with the exception of Section 13 hereof, have any force and effect until Federal funds are made available to the State for the purpose of carrying out the provisions of this Act, and the State Highway Commission has entered into an agreement with the Secretary of Transportation as authorized by Section 13 hereof and as provided by the Highway Beautification Act of 1965 or subsequent amendment thereto.

Sec. 16. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 17. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 18. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1259 CHAPTER 1249

AN ACT TO AMEND ARTICLE 37, CHAPTER 160, OF THE GENERAL STATUTES, RELATING TO COUNSEL FEES IN EMINENT DOMAIN PROCEEDINGS FOR URBAN REDEVELOPMENT PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-456(2) is hereby amended by deleting the words "respondent or respondents", in line 18, and inserting in lieu thereof the words "property owner or owners or persons having an interest in property".

Sec. 2. G. S. 160-456(10) h.3. is hereby amended by deleting the words "respondent or respondents" in line 9, and inserting in lieu thereof the words "property owner or owners or persons having an interest in property".

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1289 CHAPTER 1250

AN ACT TO AMEND G. S. 160-200(43) RELATING TO ABANDONED VEHICLES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 160-200(43) relating to abandoned vehicles is hereby amended to read as follows:

"The governing body of any municipality may provide by ordinance that whenever any motor vehicle is abandoned on the public streets or public grounds or is abandoned upon privately owned property, any such vehicle may be removed for safekeeping by or under the direction of a police officer or other official so designated by the governing body to a storage garage or area; provided that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant of the premises unless the same has been declared by the governing body to be a health or safety hazard. Any such ordinance may also provide that the person at whose request such vehicle is removed from privately owned property shall indemnify such municipality against any loss or expense incurred by reason of the removal, storage or sale thereof. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay to the municipality all reasonable

costs incidental to the removal, storage and locating the owner of the vehicle. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, the officer designated by the governing body of the municipality may, after holding the vehicle for 30 days and after having the value of the vehicle determined by three disinterested dealers or garagemen and after 20 days notice has been given to the Department of Motor Vehicles before the date of sale, dispose of the same by public or private sale or in the event of an appraised value of less than fifty dollars ($50.00) by other means in the discretion of the governing body or the designated officer and the proceeds of any sale shall be forwarded to the treasurer or similar officer of the municipality. The treasurer or similar officer shall pay from the proceeds of any sale the cost of removal, storage, investigation as to ownership and sale, and liens in that order. Subject to (b) below, any remaining proceeds shall be deposited in the general fund of the municipality. Upon receipt of a municipality's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as hereinbefore provided, the Department of Motor Vehicles shall issue a certificate of title to said person if a certificate of title for such vehicle is required by law.

(a) For the purposes of this Section, a vehicle shall be determined to have been abandoned in the following circumstances:

(1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or

(2) The vehicle fails to display a current license plate; or

(3) It is partially dismantled or wrecked; or

(4) It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or

(5) It is left on property owned or operated by the municipality for a period of not less than 24 hours; or

(6) It is left on private property without the consent of the owner, occupant or lessee thereof for a period of not less than two hours;

(7) It is left on any public street or highway of said municipality for a period of not less than seven days.

(b) If, after the sale, the ownership of any vehicle at the time of its removal is established satisfactorily to the officer so designated by the governing body by the person claiming such ownership, the owner shall be paid by such officer so much of the proceeds from the sale of such vehicle as remains after paying the cost of removal, storage, investigation of ownership and sale and any liens as hereinabove required.

(c) Any ordinance adopted pursuant hereto may provide that no person shall abandon within the above definitions any vehicle within the municipality and that no person shall leave or allow to remain any partially dismantled, nonoperating, junked or otherwise discarded vehicle on property under his control.

(d) No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any

abandoned, lost or stolen vehicle, or for disposing of such vehicle as provided by this subdivision.

(e) The term 'motor vehicle' or 'vehicle' as used herein is hereby defined to include all machines designed to be self-propelled or pulled and intended to travel along the ground by means of wheels, treads, runners or slides.

(f) Nothing herein shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the municipality."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1297 CHAPTER 1251

AN ACT TO AMEND THE FIRST THREE SECTIONS OF CHAPTER 14 OF THE GENERAL STATUTES RELATING TO DEFINITION AND PUNISHMENT OF FELONIES AND MISDEMEANORS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-1 is hereby rewritten to read as follows:

"§ 14-1. Felonies and Misdemeanors Defined. A felony is a crime which:

(1) Was a felony at common law;

(2) Is or may be punishable by death;

(3) Is or may be punishable by imprisonment in the State's prison; or

(4) Is denominated as a felony by statute.

Any other crime is a misdemeanor."

Sec. 2. G. S. 14-2 is hereby rewritten to read as follows:

"§ 14-2. Punishment of Felonies. Every person who shall be convicted of any felony for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding ten years, or by both, in the discretion of the court."

Sec. 3. G. S. 14-3 is hereby rewritten to read as follows:

"§ 14-3. Punishment of Misdemeanors; Infamous Offenses, Offenses Committed in Secrecy and Malice or With Deceit and Intent to Defraud. (a) Except as provided in subsection (b), every person who shall be convicted of any misdemeanor for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

"(b) If a misdemeanor offense as to which no specific punishment is prescribed be infamous, done in secrecy and malice, or with deceit and intent to defraud, the offender shall, except where the offense is a con-

spiracy to commit a misdemeanor, be guilty of a felony and punishable as prescribed in § 14-2."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective on July 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1312 CHAPTER 1252

AN ACT RELATING TO THE DEDUCTION FOR INCOME TAX PURPOSES OF CONTRIBUTIONS TO SELF-EMPLOYED RETIREMENT PLANS.

The General Assembly of North Carolina do enact:

Section 1. Section 105-138, subdivision (10), of the General Statutes is hereby amended by adding before the last sentence thereof a sentence as follows:

"For purposes of this Section the term 'trusts' shall include retirement plans adopted by self-employed individuals or owner-employees, and the term 'employers' shall include self-employed individuals or owner-employees."

Sec. 2. Section 105-147, subdivision (20), of the General Statutes is hereby amended to read as follows:

"(20) Reasonable amounts paid by employers within the income year to trusts which qualify for exemption under subdivision (10) of Section 105-138, and reasonable amounts paid by a self-employed individual or owner-employee to a retirement program pursuant to a plan adopted by such individual and approved by the Internal Revenue Service; provided, that amounts which are deductible for federal income tax purposes shall be prima facie allowable as deductions hereunder; provided further, that, in the case of taxpayers on the accrual basis, they shall be deemed to have made payments on the last day of the year of accrual if actual payments are made within the time fixed by statute for filing the taxpayer's return."

Sec. 3. This Act shall be effective on and after the date of enactment and shall apply to all contributions made to a retirement plan by a self-employed individual or an owner-employee after January 1, 1969.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1326 **CHAPTER 1253**

AN ACT TO AMEND G. S. 147-12, RELATING TO THE POWERS AND DUTIES OF THE GOVERNOR, SO AS TO GRANT THE POWER TO CONTRACT WITH THE GOVERNMENT OF THE UNITED STATES TO ENABLE THE STATE TO RECEIVE BENEFITS UNDER NATIONAL HIGHWAY SAFETY ACT OF 1966.

WHEREAS, paragraph 402(b)(1)(A) of the National Safety Act of 1966 provides that the Governor of the State shall be responsible for the administration of the safety program: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 147-12, as the same appears in the 1964 Replacement Volume 3C of the General Statutes of North Carolina, is hereby amended by adding immediately following subparagraph (9) the following as subparagraph (10):

"(10) He is hereby empowered to contract in behalf of the State with the Government of the United States to the extent allowed by the laws of North Carolina for the purpose of securing the benefits available to this State under the Federal Highway Safety Act of 1966. To that end, he shall coordinate the activities of any and all departments and agencies of this State and its subdivisions relating thereto."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1329 **CHAPTER 1254**

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF EDUCATION OF WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The present members of the Board of Education of Watauga County shall continue in office and shall hold their offices until the first Monday in April, 1969.

Sec. 2. At the general election to be held in Watauga County in 1968, and biennially thereafter at the general election in said county, there shall be elected five members of the Watauga County Board of Education.

Sec. 3. Each candidate for the office of member of the County Board of Education shall file his candidacy, without reference to any political party affiliation, with the Chairman of the County Board of Elections within the time now provided for the filing of candidates for any other county office. If no more than 10 candidates file for membership on said Board of Education, no primary election will be necessary, and the County Board of Elections shall certify such candidates as the nominees to be voted upon at the general election. If more than 10 candidates file, a separate ballot shall be provided by the County Board of Elections and

a primary election held with respect thereto at the same time fixed by law for the biennial primary elections. Such primary elections for the selection of the nominees for the Board of Education shall be nonpartisan and no political party affiliation shall be used by any candidate and no political party affiliation shall be shown on said primary ballot. The 10 candidates receiving the highest number of votes in such primary election shall be the nominees to be voted on at the general election. The general election shall be nonpartisan and there shall be a separate ballot provided by the County Board of Elections with the names of the nominees printed thereon with appropriate instructions printed thereon for use in the election of members of the Board of Education at the general election, and no political party affiliation shall be shown on said ballot. The five nominees receiving the highest number of votes in said general election shall be certified as the duly elected Board of Education.

Sec. 4. All members of the Board of Education elected at the general election of 1968 shall take office on the first Monday in April, 1969, and shall serve until the first Monday in December, 1970, and until their successors are elected and qualified; thereafter elected members shall take office on the first Monday in December following their election and shall serve terms of two years, and until their successors are elected and qualified.

Sec. 5. All vacancies occurring in the membership of the Board of Education by death, resignation or otherwise shall be filled for the unexpired term by the remaining members, including the Chairman of said Board, by appointment of some qualified citizen of Watauga County.

Sec. 6. This Act shall apply to Watauga County only.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1342 CHAPTER 1255

AN ACT TO AMEND CHAPTER 160 OF THE GENERAL STATUTES TO AUTHORIZE MUNICIPALITIES, IN COOPERATION WITH THE STATE, TO ACCEPT BENEFITS UNDER THE NATIONAL HIGHWAY SAFETY ACT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 160 of the General Statutes is hereby amended by inserting therein a new Section to be designated as G. S. 160-281.3, and to read as follows:

"G. S. 160-281.3. Agreements Under National Highway Safety Act. Any municipality is hereby authorized to enter into agreements with the State of North Carolina and its agencies, and with the Federal Government and its agencies, to secure the full benefits available to such municipality under the National Highway Safety Act of 1966, and to cooperate with State and Federal agencies, other public and private agencies, in-

terested organizations, and individuals, to effectuate the purposes of such Act and subsequent amendments thereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1373 CHAPTER 1256

AN ACT RELATING TO PUBLIC DRUNKENNESS, THE DEFENSE OF CHRONIC ALCOHOLISM AND THE TREATMENT OF CHRONIC ALCOHOLICS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 14-335 is hereby rewritten to read as follows: "§ 14-335. Public Drunkenness. (a) If any person shall be found drunk or intoxicated in any public place, he shall be guilty of a misdemeanor and upon conviction or plea of guilty shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not more than 20 days in the county jail. Upon conviction for any subsequent offense under this Section within a 12-month period he shall be punished by a fine of not more than fifty dollars ($50.00) or by imprisonment for not more than 20 days in the county jail or by commitment to the custody of the Director of Prisons for an indeterminate sentence of not less than 30 days and not more than six months.

(b) The Director of Prisons or his agent shall designate the place of confinement within the State prison system where a person committed to the Director's custody under the provisions of this Section shall begin service of the sentence. At any time during the period such person is committed to the custody of the Director, the Director or his agent may authorize his release under such conditions as the Director or his agent may prescribe, in order to receive care and treatment from a specified hospital, outpatient clinic, or other appropriate facility or program outside the State prison system. The conditions of release may be modified or the conditional release may be revoked by the Director or his agent at any time during the period such person is committed to the Director's custody, provided that the total time served in confinement and on conditional release shall not exceed a term of six months from the date of entry into the State prison system. If a conditional release is revoked, the revocation order shall constitute authority for any prison, parole or peace officer to arrest such person without a warrant and return him to a facility of the State prison system. The Director of Prisons shall require any person committed to his custody under the provisions of this Section to serve at least 30 days of the sentence, but this minimum term can be served in part on conditional release after a period of confinement. The Director or his agent may discharge the person from custody at any time after service of the minimum term.

(c) Chronic alcoholism shall be an affirmative defense to the charge of public drunkenness. For the purpose of this Section, chronic alcoholism

shall be as defined in Article 7A of Chapter 122. When the defense of chronic alcoholism is shown to the satisfaction of the trier of fact, and a judgment of not guilty by reason of chronic alcoholism is entered, the court may follow the treatment procedures outlined in Article 7A of Chapter 122."

Sec. 2. Chapter 122 of the General Statutes of North Carolina is hereby amended by adding a new Article to be numbered Article 7A and entitled "Chronic Alcoholics" and to read as follows:

"Article 7A

Chronic Alcoholics

§ 122-65.6. Definitions. For the purposes of this Article, the following definitions shall apply:

(1) 'court' shall mean any trial court of this State, except a justice of the peace or mayor's court;

(2) 'chronic alcoholic' shall mean any person who has been found by any court to have the illness or condition known as chronic alcoholism;

(3) 'chronic alcoholism' shall mean the chronic and habitual use of alcoholic beverages by a person to the extent that he has lost the power of self-control with respect to the use of such beverages.

§ 122-65.7. Jurisdiction of Trial Court over Persons Acquitted of Public Drunkenness by Reason of Chronic Alcoholism. (a) Any court before which a person is acquitted of public drunkenness by reason of chronic alcoholism may retain jurisdiction over such person for purposes of treatment. Upon such acquittal the presiding judge may then take the action authorized by this Article or may order the chronic alcoholic to return to court at a subsequent time before himself or another judge for action to be taken under the authority of this Article. In the event that the chronic alcoholic does not comply with or is not responsive to the action prescribed by the court, the court may order him to return or be returned to court so that some other action may be taken. Jurisdiction over such chronic alcoholic may be retained for so long as appropriate for treatment but no longer than two years.

(b) If at the time of acquittal or upon later return to court the presiding judge determines that the chronic alcoholic is likely to endanger himself or others, the presiding judge may order him to be taken into custody and detained for not longer than five days in his own home, in a private or public hospital, or in any other suitable facility approved by the local health director for such detention, and returned to court for any further action to be taken under the authority of this Article.

§ 122-65.8. Procedures for Treatment. Any court having jurisdiction over a chronic alcoholic pursuant to § 122-65.7 is authorized to take any one or more of the following actions:

(1) enter an order for the Clerk of the Superior Court to commence the judicial hospitalization procedures in Article 7 of this Chapter; such order shall serve in lieu of and have the same effect as the affidavit and request for examination required in § 122-60;

(2) direct the chronic alcoholic in cooperation with any member of his family or other responsible person to make and follow plans for his treatment in a private facility or program approved by the North Carolina Department of Mental Health;

(3) refer the chronic alcoholic to a private physician or psychiatrist or to a hospital diagnostic center or to a private social or welfare organization;

(4) request the local department of public welfare or other appropriate local governmental agency or official to work with the chronic alcoholic and to make such reports as to his treatment or condition as requested by the court;

(5) make or approve any other plan or arrangement which may be appropriate for the treatment of the chronic alcoholic and require for so long as appropriate to treatment submission of periodic reports as to his treatment or condition, in the court's discretion.

§ 122-65.9. Article Supplementary to Other Provisions. The provisions of this Article are supplementary to, and not in substitution for, other provisions of this Chapter except as expressly provided for herein."

Sec. 3. Subparagraph (6) (b) of G. S. 18-51, as rewritten by Chapter 222 of the 1967 Session Laws, is hereby repealed and subsequent subparagraphs renumbered accordingly.

Sec. 4. All local public drunkenness statutes and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1374 CHAPTER 1257

AN ACT TO AMEND CHAPTER 343 OF THE SESSION LAWS OF 1967.

The General Assembly of North Carolina do enact:

Section 1. G. S. 130-3(a), as amended by Chapter 343 of the Session Laws of 1967 is hereby further amended by striking out the last sentence thereof.

Sec. 2. G. S. 130-234, as enacted by Chapter 343 of the Session Laws of 1967 is hereby amended by adding at the end thereof a new subsection (5) to read as follows: "(5) Vehicles owned and operated by Rescue Squads chartered by the State of North Carolina as nonprofit corporations or associations or by Rescue Squads authorized by G. S. 160-191.11 which are not regularly used to transport sick, injured, wounded or otherwise incapacitated or helpless persons except as a part of rescue operations are excluded."

Sec. 3. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 4. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1376 **CHAPTER 1258**

AN ACT TO PROTECT THE RETIREMENT BENEFITS OF EMPLOYEES OF FORSYTH COUNTY AND MUNICIPALITIES THEREIN WHO WILL BECOME STATE EMPLOYEES UPON THE EFFECTIVE DATE OF THE JUDICIAL DEPARTMENT ACT IN SUCH COUNTY.

WHEREAS, the Judicial Department Act of 1965 becomes effective in Forsyth County on the first Monday in December, 1968; and

WHEREAS, certain persons who are now employees of Forsyth County and municipalities therein will become State employees on that date; and

WHEREAS, Forsyth County and the City of Winston-Salem are not members of the North Carolina Local Governmental Employees' Retirement System but have independent retirement systems, Forsyth being the only county in North Carolina at the present time that has a retirement system independent of the North Carolina Local Governmental Employees' Retirement System; and

WHEREAS, the Judicial Department Act of 1965 contemplated that county and city employees would not suffer the loss of retirement benefits as a result of being made State employees by State law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System is hereby authorized and directed to take such action as is necessary to insure that the employees of Forsyth County and the municipalities therein who become State employees on the first Monday in December of 1968, under the Judicial Department Act of 1965, shall be protected with regard to their retirement benefits. To this end, the officials of the State System and of Forsyth County and the municipalities therein may enter into agreements relating to the retirement status of such employees.

Sec. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1381 **CHAPTER 1259**

AN ACT AUTHORIZING THE CREATION OF THE WINSTON-SALEM TRANSIT AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. Winston-Salem Transit Authority: Creation: Membership. The City of Winston-Salem may, by ordinance, create a transit authority (hereinafter sometimes referred to as the "Authority"). The official name of the Authority shall be "Winston-Salem Transit Authority". It shall be a body corporate and politic. It shall consist of three, five or seven members as determined by the Board of Aldermen of the City of Winston-Salem.

Members of the Authority shall reside within the territorial jurisdiction of the Authority as hereinafter set out. They shall be appointed by the Mayor and Board of Aldermen of the City of Winston-Salem. All appointments shall be for a term of three years, except that as to those members first appointed as nearly as possible, one-third shall be appointed for a one-year term, one-third shall be appointed for a two-year term, and one-third shall be appointed for a three-year term. The date from which regular three-year terms shall run shall be established by ordinance. Appointments to fill vacancies occurring during the regular terms shall be made by the Mayor and Board of Aldermen. The appointments of all members shall run until their successors are appointed and qualified.

The members of the Authority shall elect a chairman and vice chairman from the membership of the Authority. They shall also elect a secretary who may, or may not, be a member of the Authority.

A majority of the members shall constitute a quorum for the transaction of business and an affirmative vote of the majority of the members present at a meeting of the Authority shall be required to constitute action of the Authority. Members of the Authority shall receive such compensation, if any, as may be fixed by the Board of Aldermen of the City of Winston-Salem.

Sec. 2. Purpose of the Authority. The purpose of the Authority shall be to provide for a safe, adequate and convenient Public Transportation System for the City of Winston-Salem and its immediate environs through the granting of franchises, ownership and leasing of terminals, buses and other transportation facilities and equipment, and otherwise through the exercise of the powers and duties conferred upon it.

Sec. 3. General Powers of the Authority. The general powers of the Authority shall be:

(1) To sue and be sued.

(2) To have a seal.

(3) To make rules and regulations, not inconsistent with this Act, for its organization and internal management.

(4) To employ persons deemed necessary to carry out functions and duties assigned to them by the Authority and to fix their compensation, within the limit of available funds.

(5) With the approval of the City Manager, to use officers, employees, agents and facilities of the City on such basis as may be agreed upon.

(6) To retain and employ counsel, auditors, engineers and private consultants on an annual salary, contract basis, or otherwise for rendering professional or technical services and advice.

(7) To acquire, maintain and operate such buildings, structures and facilities as may be necessary or convenient for the operations of the Authority.

(8) To make or enter into contracts, agreements, deeds, leases, conveyances or other instruments, including contracts and agreements with the United States and the State of North Carolina.

(9) To surrender to the City any property no longer required by the Authority.

(10) To make plans, surveys and studies of transit facilities within the territorial jurisdiction of the Authority and to prepare and make recommendations in regard thereto.

(11) To enter into and perform contracts with public transportation companies with respect to the operation of public passenger transportation.

(12) To issue certificates of public convenience and necessity; to grant franchises and enter into franchise agreements and in all respects to regulate the operation of buses, taxicabs and other methods of public passenger transportation within the territorial jurisdiction of the Authority as fully as the City of Winston-Salem is now or hereafter empowered to do within the territorial jurisdiction of the City of Winston-Salem.

(13) To enter into and perform contracts to operate public transportation services and facilities and to own or lease property, facilities and equipment necessary or convenient therefor, and to rent, lease or otherwise sell the right to do so to any person, public or private. Further, to the extent authorized by ordinance of the City of Winston-Salem, to obtain grants, loans and assistance from the United States, the State, any public body, or any private source whatsoever, including, but not limited to, the Urban Mass Transportation Act of 1964, as heretofore or hereafter amended.

(14) To do all things necessary or convenient to carry out its purpose and for the exercise of the powers granted to the Authority.

Sec. 4. Authority of Utilities Commission Not Affected. Nothing in this Act shall be construed to limit or otherwise affect the power or authority of the North Carolina Utilities Commission or the right of appeal to the North Carolina Utilities Commission as provided by law.

Sec. 5. Territorial Jurisdiction. The jurisdiction of the Authority shall extend to all local public passenger transportation operating within the City of Winston-Salem and within three miles outside of the corporate limits of the City of Winston-Salem, as now or hereafter established. It shall not have jurisdiction over public transportation subject to the jurisdiction of and regulated by the I. C. C., nor shall it have jurisdiction over intrastate public transportation which confines its passenger operations in Winston-Salem to picking up or discharging passengers whose point of origin or destination is more than three miles outside the corporate limits of the City of Winston-Salem.

Sec. 6. Fiscal Accountability. The Authority shall be fiscally accountable to the City of Winston-Salem and the Board of Aldermen shall have authority to examine all records and accounts of the Authority at any time.

Sec. 7. Funds. The establishment and operation of a Transit Authority as herein authorized is a governmental function and a public purpose and the City of Winston-Salem is hereby authorized to appropriate funds to support the establishment and operation of the Transit Authority. The City of Winston-Salem may also dedicate, sell, convey, donate or lease any of its interest in any property to the Authority. Further, the Authority is hereby authorized to establish such license and regulatory fees and charges as it may deem appropriate, subject to the approval of the Board of Aldermen. If the Board of Aldermen finds that the funds otherwise available are insufficient, it may call a special election without a petition

and submit to the qualified voters of the City the question of whether or not a special tax shall be levied and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring lands, buildings, equipment and facilities and for the operations of the Transit Authority.

Sec. 8. Effect on Existing Franchises and Operations. In the event a Transit Authority is established under the authority of this Act, any existing franchises granted by the City of Winston-Salem shall continue in full force and effect until legally terminated; further, all ordinances and resolutions of the City of Winston-Salem regulating bus operations and taxicabs shall continue in full force and effect until superseded by regulations of the Transit Authority.

Sec. 9. Termination. The Board of Aldermen of the City of Winston-Salem shall have the authority to terminate the existence of the Authority at any time. In the event of such termination, all property and assets of the Authority shall automatically become the property of the City of Winston-Salem and the City of Winston-Salem shall succeed to all rights, obligations and liabilities of the Authority.

Sec. 10. Insofar as the provisions of this Act are not consistent with the provisions of any other Act or law, public or private, the provisions of this Act shall be controlling.

Sec. 11. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1390 CHAPTER 1260

AN ACT TO PROVIDE FOR THE ISSUANCE OF WARRANTS TO CONDUCT ADMINISTRATIVE AND OTHER INSPECTIONS AUTHORIZED BY LAW.

The General Assembly of North Carolina do enact:

Section 1. There is hereby added a new Article to Chapter 15 of the General Statutes to read as follows:

"Article 4A

Administrative Search and Inspection Warrants.

§ 15-27.2. Warrants to Conduct Inspections Authorized by Law. (a) Notwithstanding the provisions of Article 4 of this Chapter, any official or employee of the State or of a unit of county or local government of North Carolina may, under the conditions specified in this Section, obtain a warrant authorizing to conduct a search or inspection of property if such a search or inspection is one that is elsewhere authorized by law, either with or without the consent of the person whose privacy would be thereby invaded, and is one for which such a warrant is constitutionally required.

(b) The warrant may be issued by any magistrate of the General Court of Justice, judge, clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction encompasses the property to be inspected.

(c) The issuing officer shall issue the warrant when he is satisfied the following conditions are met:

(1) the one seeking the warrant must establish under oath or affirmation that the property to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection which naturally includes that property, or that there is probable cause for believing that there is a condition, object, activity or circumstance which legally justifies such a search or inspection of that property;

(2) an affidavit indicating the basis for the establishment of one of the grounds described in (1) above must be signed under oath or affirmation by the affiant;

(3) the issuing official must examine the affiant under oath or affirmation to verify the accuracy of the matters indicated by the statement in the affidavit.

(d) The warrant shall be validly issued only if it meets the following requirements:

(1) it must be signed by the issuing official and must bear the date and hour of its issuance above his signature with a notation that the warrant is valid for only 24 hours following its issuance;

(2) it must describe, either directly or by reference to the affidavit, the property where the search or inspection is to occur and be accurate enough in description so that the executor of the warrant and the owner or the possessor of the property can reasonably determine from it what person or property the warrant authorizes an inspection of;

(3) it must indicate the conditions, objects, activities or circumstances which the inspection is intended to check or reveal;

(4) it must be attached to the affidavit required to be made in order to obtain the warrant.

(e) Any warrant issued under this Section for a search or inspection shall be valid for only 24 hours after its issuance, must be personally served upon the owner or possessor of the property between the hours of 8:00 a.m. and 8:00 p.m., and must be returned within 48 hours.

(f) No facts discovered or evidence obtained in a search or inspection conducted under authority of a warrant issued under this Section shall be competent as evidence in any civil, criminal or administrative action, nor considered in imposing any civil, criminal, or administrative sanction against any person, nor as a basis for further seeking to obtain any warrant, if the warrant is invalid or if what is discovered or obtained is not a condition, object, activity or circumstance which it was the legal purpose of the search or inspection to discover; but this shall not prevent any such facts or evidence to be so used when the warrant issued is not constitutionally required in those circumstances.

(g) The warrants authorized under this Section shall not be regarded as search warrants for the purposes of application of Article 4 of Chapter 15 of the General Statutes of North Carolina."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1391 CHAPTER 1261

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF MOORE COUNTY TO ENTER INTO A CONTRACT FOR THE MANAGEMENT AND OPERATION OF A DOG POUND-ANIMAL SHELTER.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Moore County is hereby authorized to enter into a contract with the Humane Society of Moore County, Inc. for the maintenance and operation of a county dog pound-animal shelter. Said Board of County Commissioners is further authorized to use the county dog tax fund for the purpose of paying the Humane Society of Moore County, Inc. for the performance of services under such contract and in the event the dog tax fund is insufficient to pay the Humane Society of Moore County, Inc. for the performance of services under said contract, the Board of County Commissioners is authorized to appropriate funds from its general fund or from any nontax or surplus funds for such purpose.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1400 CHAPTER 1262

AN ACT TO ELIMINATE THE PROVISIONS FOR DOUBLE INDEXING OF INSTRUMENTS IN ACCORDANCE WITH THE FORMER LAW RELATING TO REGISTRATION OF SECURITY INTERESTS IN PERSONAL PROPERTY.

WHEREAS, the Uniform Commercial Code, as enacted in this State, makes new provisions for the filing of papers with regard to security interests in personal property; and

WHEREAS, the former practice of double indexing instruments primarily relating to real property but also containing personal property is no longer proper; and

WHEREAS, G. S. 161-22, relating to the conduct of the office of the register of deeds, contains a provision requiring such double indexing, which is in conflict with the Uniform Commercial Code: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. G. S. 161-22 is hereby amended by striking out the words: "Provided, further, that it shall be the duty of the register of deeds of each county, in which there is a separate index for conveyances of personal property and for those of real estate, to double index every such conveyance, provided that such conveyance shall contain both species of property."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective at midnight, June 30, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1408 CHAPTER 1263

AN ACT TO AMEND THE PUBLIC SCHOOL LAWS RELATING TO THE PREPARATION OF SCHOOL BUDGETS.

The General Assembly of North Carolina do enact:

Section 1. General Statute 115-80 is amended by deleting the last paragraph of subsection (a) and substituting in lieu thereof the following:

"Notwithstanding any other provisions of this Chapter, when necessity is shown by county and city boards of education, or peculiar local conditions demand, for adding or supplementing items of expenditure in the current expense fund, including additional personnel and/or supplements to the salaries of personnel, the board of county commissioners may approve or disapprove, in part or in whole, any such proposed and requested expenditure. For those items it approves, the board of county commissioners shall make a sufficient tax levy to provide the funds: Provided, that nothing in this Chapter shall prevent the use of Federal or privately donated funds which may be made available for the operation of the public schools under such regulations as the State Board of Education may prescribe."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1412 CHAPTER 1264

AN ACT TO AMEND CHAPTER 775, SESSION LAWS OF 1967, RELATING TO ELECTIONS AND ELECTION LAWS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-1 (c), as enacted by Chapter 775 Session Laws of 1967, is amended by deleting the words "For Governor" under the column headed "Date of Election" as it refers to United States Senators under the column headed "Office".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1422 CHAPTER 1265

AN ACT TO FACILITATE FILINGS IN THE OFFICE OF THE SECRETARY OF STATE.

The General Assembly of North Carolina do enact:

Section 1. Chapter 147 of the General Statutes is amended by adding a new Section immediately following G. S. 147-36, to be designated G. S. 147-36.1 and to read as follows:

"G. S. 147-36.1. Deputy Secretary of State. The duly classified Deputy Secretary of State as reflected by the records of the State Department of Personnel, appointed by the Secretary of State to aid him in the discharge of his duties, shall have the authority to perform all acts and duties of the office in the absence of his chief, or in the case of his inability to act, or under his direction. In exercising such authority, certificates relating to documents and other filings, shall be issued in the name of the Secretary of State, printed, typed, stamped or facsimile signature, and signed by the Deputy Secretary of State.

"Employees in the office of Secretary of State designated as deputy or director of specific divisions in the Department, are empowered to issue certificates relating to documents and other filings within the scope of their division. In exercising such authority, the certificates shall be issued in the name of the Secretary of State, printed, typed, stamped or facsimile signature, and signed by the deputy or director indicating his approved title."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1423 CHAPTER 1266

AN ACT ADOPTING 1965 REPLACEMENT VOLUMES 1C AND 1D AND 1966 REPLACEMENT VOLUMES 2A AND 3A OF THE GENERAL STATUTES.

The General Assembly of North Carolina do enact:

Section 1. G. S. 164-11 is hereby amended by adding a new Section therein, to be designated G. S. 164-11.8, and to read as follows:

"§ 164-11.8. Adoption of Replacement Volumes 1C, 1D, 2A and 3A of the General Statutes. (a) The Chapters, subchapters, Articles and Sections now comprising Volume 1C of the General Statutes of North Carolina, and Cumulative Supplements thereto, consisting of §§ 15-1 to 27-59, now in force, as amended, are hereby re-enacted and designated as 1965 Replacement Volumes 1C and 1D of the General Statutes of North Carolina.

"(b) The Chapters, subchapters, Articles and Sections now comprising 1950 Recompiled Volume 2A of the General Statutes of North Carolina, and Cumulative Supplements thereto, consisting of §§ 28-1 to 52A-20, now in force, as amended, is hereby re-enacted and designated as 1966 Replacement Volume 2A of the General Statutes of North Carolina.

"(c) The Chapters, subchapters, Articles and Sections now comprising 1960 Replacement Volume 3A of the General Statutes of North Carolina, and Cumulative Supplements thereto, consisting of §§ 106-1 to 116-211, now in force, as amended, is hereby re-enacted and designated as 1966 Replacement Volume 3A of the General Statutes of North Carolina.

"(d) This enactment of 1965 Replacement Volumes 1C and 1D and 1966 Replacement Volumes 2A and 3A shall not be construed to invalidate or repeal any Acts which have been passed during the 1967 Session of the General Assembly, prior to the date of ratification, nor shall this enactment include any appended annotations, editorial notes, comments and cross references, legislative or historical references, or other material connected or supplemental to said Chapters, subchapters, Articles and Sections, but not contained in the body hereof."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1424 CHAPTER 1267

AN ACT RELATING TO THE SALE OF ALCOHOLIC BEVERAGE IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The Board of Alcoholic Control of Mecklenburg County is hereby authorized to spend up to two hundred fifty thousand dollars ($250,000.00) per annum out of the gross revenue derived from the operation of the Alcoholic Beverage Control Stores in Mecklenburg County in addition to the amount now authorized by law for the purpose of programs of alcoholic education for alcoholics and nonalcoholics, research, treatment, and rehabilitation of alcoholics, and for construction, maintenance and operation of facilities for such purposes in Mecklenburg County.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after August 1, 1967.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1427 CHAPTER 1268

AN ACT TO AMEND ARTICLE 50 OF CHAPTER 106 OF THE GENERAL STATUTES, RELATING TO ASSESSMENTS FOR THE PROMOTION FOR THE USE AND SALE OF AGRICULTURAL PRODUCTS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 106-557 is hereby amended by adding a proviso at the end thereof, to read as follows:

"Provided, that the assessment for the research and promotion programs of the American Dairy Association of North Carolina may be fixed on volume not to exceed six cents (6¢) per hundredweight of milk sold."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1431 CHAPTER 1269

AN ACT TO AUTHORIZE CERTAIN FUNDS TO BE USED FOR THE NOURISHMENT AND MAINTENANCE OF CIVIL WORKS PROJECTS.

The General Assembly of North Carolina do enact:

Section 1. An amount not exceeding two hundred and fifty thousand dollars ($250,000.00) of the five hundred thousand dollars ($500,000.00) matching funds allocated under item No. 6 of Section 4 of Chapter 916 of the 1965 Session Laws may be used for nourishment and maintenance of the Civil Works Projects constructed or to be constructed in North Carolina.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1433 CHAPTER 1270

AN ACT TO AMEND CHAPTER 1063 OF THE SESSION LAWS OF 1967 BY ADDING A NEW SECTION THERETO TO BE NUMBERED THREE AND ONE-HALF AND TO VEST CERTAIN AUTHORITY IN THE STATE BOARD OF ELECTIONS CONCERNING NUMBERED SEATS.

The General Assembly of North Carolina do enact:

Section 1. A new Section is hereby added to Chapter 1063 of the Session Laws of 1967 to be numbered Section 3½ and to read as follows:

"Sec. 3½. The authority for designating the numbers to be assigned in each Senate and House District covered under this Act shall be vested in the State Board of Elections."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1335 **CHAPTER 1271**

AN ACT TO AMEND CHAPTER 163 OF THE GENERAL STATUTES, AS RECODIFIED BY CHAPTER 775, SESSION LAWS OF 1967, SO AS TO CHANGE THE TIME OF PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. G. S. 163-1(b), as it appears in Chapter 775, Session Laws of 1967, is hereby amended by deleting the words "last Saturday" from line 1, and inserting in lieu thereof the words "first Saturday".

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1369 **CHAPTER 1272**

AN ACT TO AMEND G. S. 105-116 AND G. S. 105-120 TO REVISE THE ALLOCATION FORMULA FOR FRANCHISE TAXES.

The General Assembly of North Carolina do enact:

Section 1. Effective from and after June 30, 1969, subsection (g) of G. S. 105-116 is hereby further amended by striking out of the fifth, eighth, and tenth lines thereof the words and figures "three-fourths of one per cent (¾ of 1%)" and by inserting in lieu thereof the words and figures "two per cent (2%)".

Sec. 2. Effective from and after June 30, 1969, subsection (d) of G. S. 105-120 is hereby further amended by striking out of the fourth line thereof the words and figures "three-fourths of one per cent (¾ of 1%)" and by inserting in lieu thereof the words and figures "two per cent (2%)".

Sec. 3. Effective from and after June 30, 1970, subsection (g) of G. S. 105-116 is hereby further amended by striking out of the fifth, eighth, and tenth lines thereof the words and figures "two per cent (2%)" and by inserting in lieu thereof the words and figures "three per cent (3%)".

Sec. 4. Effective from and after June 30, 1970, G. S. 105-120 is hereby further amended by striking out of the fourth line thereof the words and figures "two per cent (2%)" and by inserting in lieu thereof the words and figures "three per cent (3%)".

Sec. 5. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 6. Subject to the provisions of Section 1, 2, 3, and 4 hereof, this Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. B. 1425 **CHAPTER 1273**

AN ACT TO SUPPLEMENT REGULATION AND CONTROL OF ALCOHOLIC BEVERAGES, AND TO SUPPLEMENT ENFORCEMENT OF EXISTING LAWS CONCERNING ALCOHOLIC BEVERAGES IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the authority of the State Board of Alcoholic Control and in addition to all other powers and duties now vested in the Mecklenburg County Alcoholic Beverage Control Board, all alcoholic beverage control officers now employed, or who may hereafter be employed, by said Mecklenburg County Alcoholic Beverage Control Board, and all law enforcement officers and peace officers of Mecklenburg County and of any municipality within Mecklenburg County as shall be designated by the Mecklenburg County Alcoholic Beverage Control Board for such purposes, shall have the authority to: (a) investigate the operation of the licensed premises of all persons holding any permit enumerated or mentioned in Section 1, above, (b) to examine the books and records of such permittee, (c) to procure evidence with respect to any violation of the provisions of Chapter 18 of the General Statutes of North Carolina (as the same may be amended from time to time) and of any rules and regulations adopted thereunder. Such officers shall have the right to enter any such licensed premises in Mecklenburg County in the performance of their duty, at any hour of the day or night when any activity is being carried on, in, on or at such premises, for which activity any permit enumerated or mentioned in Section 1 above has been issued. Refusal by such permittee or by any employee of a permittee to permit such officers to enter the premises shall be cause for revocation or suspension of the permit of such permittee. All such alcoholic beverage control officers, law enforcement officers and peace officers so employed or designated by the Mecklenburg County Alcoholic Beverage Control Board shall, after taking the oath prescribed for peace officers, have the same powers and authorities, including the right to serve all criminal process and to make arrests, as other peace officers.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect on and after the date of its ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

RESOLUTIONS

H. R. 1

RESOLUTION 1

A JOINT RESOLUTION HONORING THE MEMORY OF GRACE TAYLOR RODENBOUGH, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES FROM STOKES COUNTY.

WHEREAS, Grace Taylor Rodenbough, who was born in the year 1899 and died on January 8, 1967, after a lifetime of distinguished and honorable service to her State and to her County of Stokes; and

WHEREAS, in the death of Mrs. Rodenbough the State has lost a highly capable citizen who devoted her time, energy and talents to the betterment of the State, serving in the House of Representatives in the Sessions since 1953 and for seven terms as a Representative from Stokes County; and

WHEREAS, Mrs. Rodenbough was serving her third eight-year term as a Trustee of the Consolidated University of North Carolina and was on the Board of Governors of the Governors' School in Winston-Salem and was a member of the Commission for the Study of State-Supported Institutions of Higher Learning by appointment of Governer William B. Umstead in 1953; and

WHEREAS, in her home county Mrs. Rodenbough was Supervisor of Instruction for many years and championed the cause of public education both in Stokes County and in the General Assembly for the State; and

WHEREAS, Mrs. Rodenbough, during a long and successful career, set a very high standard of personal conduct, evidencing in both her personal and private life unquestioned integrity, loyalty to her party, unflagging interest in education and the well-being of all people, and conducted herself as a great and charming lady:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Grace Taylor Rodenbough, North Carolina, the County of Stokes, and the Town of Danbury have lost an able legislator, an outstanding citizen, and a dedicated educator, whose affection and devotion for her own people were expressed in a lifetime of public service.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Grace Taylor Rodenbough.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of February, 1967.

S. R. 1

RESOLUTION 2

A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR DAN K. MOORE, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE AT 12:30 P.M., THURSDAY, FEBRUARY 9, 1967, AND AGAIN AT 8:00 P.M., MONDAY, FEBRUARY 13, 1967.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. A committee of two on the part of the Senate and three on the part of the House of Representatives shall be appointed to notify His Excellency, Dan K. Moore, Governor of North Carolina, that the General Assembly is organized and now ready to proceed with public business and to invite him to deliver an address to the Joint Session of the General Assembly at 12:30 P.M., Thursday, February 9, 1967, and again at 8:00 P.M., Monday, February 13, 1967, and further invite him to deliver such other messages as he might desire from time to time, in person or in writing.

Sec. 2. The full text of the Governor's messages of February 9, 1967, and February 13, 1967, shall be carried in the appendix of the House and Senate Journals of this Session of the General Assembly and 2,000 copies of each address shall be forthwith printed and delivered to the Governor's Office for such distribution of same as he may desire to make.

Sec. 3. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 9th day of February, 1967.

H. R. 2

RESOLUTION 3

A JOINT RESOLUTION HONORING THE MEMORY OF THE HONORABLE JOSEPH HARDY WARREN, FORMER MEMBER OF THE GENERAL ASSEMBLY FROM CASWELL COUNTY.

WHEREAS, Joseph Hardy Warren, former State Senator and Representative from Caswell County, and Sergeant-at-Arms of the General Assembly, died on the eighteenth day of May, 1966; and

WHEREAS, Joseph Hardy Warren was born at Prospect Hill, Caswell County, North Carolina, on April 1, 1907; and

WHEREAS, the late Joseph Hardy Warren was a successful farmer and tobacco warehouseman, and had devoted his life to the furtherance of the agricultural interests of Caswell County and the State of North Carolina by his service in the Farm Bureau Federation, the State Grange, the Mebane Tobacco Board of Trade, and as President of the Piedmont National Farm Loan Association of Winston-Salem, North Carolina; and

WHEREAS, Joseph Hardy Warren actively participated in the life of his community by his service as Mason, Elder in the Griers Presbyterian Church for twenty-five years, Chairman of the School Committee of Prospect Hill High School, and as Judge of the Caswell County Recorder's Court; and

WHEREAS, Joseph Hardy Warren served with distinction as Senator from Caswell County in the General Assembly of 1939, and as Representative from Caswell County in the General Assemblies of 1935, 1951, and 1953; and since 1953 he had served ably and well as Sergeant-at-Arms of the House of Representatives for six consecutive terms; and

WHEREAS, Joseph Hardy Warren was a loyal Democrat, having served his party faithfully on all levels of government; and

WHEREAS, Joseph Hardy Warren married Miss Geneva Williams of Godwin, North Carolina, and was the devoted father of three daughters, Miss Betty Warren, Miss Caroline Warren, and Miss Pat Warren, and one son, Joseph Hardy Warren, Jr.; and

WHEREAS, in the death of Joseph Hardy Warren, Caswell County and the State of North Carolina have suffered a great loss:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Joseph Hardy Warren, North Carolina and the County of Caswell have lost an able legislator, an outstanding citizen, and a distinguished Sergeant-at-Arms.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Joseph Hardy Warren.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of February, 1967.

H. R. 26 RESOLUTION 4

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS H. WOODARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, Thomas H. Woodard passed away on the fourth day of September, 1966; and

WHEREAS, he was born in Wilson County, North Carolina, on December 3, 1901, and received his education in the Wilson Public Schools, Augusta Military Academy, Fort Defiance, Virginia, and graduated from the University of North Carolina with an AB degree in 1924; and

WHEREAS, he established the general insurance firm of Anderson, Deans & Woodard in 1924 and served as Director of the North Carolina State Association of Insurance Agents and as its President in 1944-1945; and

WHEREAS, he served his community of Wilson County as Chairman of the County Board of Commissioners, Chairman of the County War Price and Rationing Board during World War II, President and Director of the Wilson Chamber of Commerce, President of the North Carolina Tuberculosis Association, Director of the Wilson Industrial Bank and The National Bank of Wilson, President of the Wilson Kiwanis Club, and Trustee and Exalted Ruler of the Wilson Elks Club; and

WHEREAS, he served as a member of the House of Representatives from Wilson County in the General Assembly from the 1957 Session to and including the Regular Session of 1963, as Chairman of the House Appropriations Committee in 1961, and as Chairman of the Advisory Budget Commission in 1962; and

WHEREAS, he and Matilda Barnes of Wilson were married in 1930 and to this union was born one daughter, now Mrs. John D. Gold, Jr., and both his widow and daughter now survive him; and

WHEREAS, the General Assembly desires to honor the memory of Thomas H. Woodard and express its sympathy to the surviving members of his family:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly recognizes and expresses its appreciation for the public service rendered by Thomas H. Woodard with full knowledge that for more than forty years he rendered able and valuable services to his native county, to his business associates and in a larger sense to the State of North Carolina, with a devotion to duty and upstanding character of the highest degree and with kindness and courtesy to all who had the pleasure of knowing him in his personal, business, social and political life.

Sec. 2. That this Resolution shall become a part of the public records of the 1967 Session of the General Assembly of North Carolina, and the Secretary of State shall cause a certified copy to be transmitted to Mrs. Thomas H. Woodard.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

H. R. 56 RESOLUTION 5

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SAMUEL GLENN HAWFIELD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, Samuel Glenn Hawfield died on the 10th day of May, 1966; and

WHEREAS, he was born in Union County, North Carolina, on the 21st day of April, 1891, and received his education in the Union County Public Schools, Trinity College where he received an A. B. degree in 1915, and the University of North Carolina where he received a Master's degree in Education in 1926; and

WHEREAS, he served the cause of education in North Carolina as teacher, principal, and school superintendent; and

WHEREAS, he was a dedicated and good teacher, and an able administrator; and

WHEREAS, he received many honors in his chosen profession; and

WHEREAS, he was active in civic and community affairs throughout his life; and

WHEREAS, he was a member of Central Methodist Church and for many years served on its Board of Stewards and as a Sunday School teacher in its Church School; and

WHEREAS, he served in the North Carolina House of Representatives during the 1959, 1961, 1963, and 1965 Sessions; and

WHEREAS, he was married to Kate Clark, and to this union was born three sons, and his widow and sons now survive him; and

WHEREAS, it is the desire of the General Assembly of North Carolina to honor the memory of Samuel Glenn Hawfield and express its sympathy to his family in his death:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina recognizes the public service rendered by Samuel Glenn Hawfield, with full knowledge that he was a good and dedicated teacher, administrator, and legislator, and that he rendered valuable service to his county and State, and in particular to the cause of promoting a better educational system in our State, all with a devotion to duty, character in the highest degree, and with kindness and courtesy to all who had the privilege of knowing him and being associated with him in his personal, professional, social, and political life.

Sec. 2. That this Resolution shall become a part of the public records of the 1967 Session of the General Assembly of North Carolina, and that the Secretary of State shall cause a certified copy of this Resolution to be transmitted to his widow.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

H. R. 61 RESOLUTION 6

A JOINT RESOLUTION HONORING THE MEMORY OF JOHN G. DAWSON, FORMER MEMBER OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, John G. Dawson was born in Lenoir County in the year 1882 and died on January 18, 1966, after a lifetime of dedicated service to his State, County of Lenoir and the Democratic Party; and

WHEREAS, in the death of Mr. Dawson the State has suffered the loss of a dedicated legislator who devoted his many talents to the well-being of the citizens of the State, serving in the House of Representatives in the Sessions of 1919, 1921 and 1923, giving distinguished service to the State as Speaker of the House of Representatives in the General Assembly of 1923, and serving in the Senate from the Seventh District in the 1957 Session; and

WHEREAS, Mr. Dawson was active in the North Carolina, Lenoir County and American Bars and was a highly respected attorney; and

WHEREAS, John G. Dawson was active in many fraternal organizations; and

WHEREAS, Mr. Dawson faithfully served the Democratic Party in many capacities, including that of Chairman of the State Democratic Executive Committee; and

WHEREAS, John G. Dawson, during a successful and long career, set a high standard of personal conduct, acting always with integrity, selflessness, loyalty to his party, county and State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of John G. Dawson, North Carolina and the County of Lenoir have lost an able legislator and a fine citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of John G. Dawson.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

S. R. 11 RESOLUTION 7

A JOINT RESOLUTION PROVIDING FOR THE ACCEPTANCE BY THE GENERAL ASSEMBLY OF NORTH CAROLINA OF THE INVITATION OF THE SEABOARD AIR LINE RAILROAD COMPANY TO ATTEND A FORESTRY FIELD DAY PROGRAM, AND FOR OTHER PURPOSES.

WHEREAS, the members of the General Assembly of North Carolina as well as the Governor and other officials of this State, have been extended an invitation by the Seaboard Air Line Railroad Company, as a unique and unusual feature, to board a special train in Raleigh, North Carolina, and journey to Hoffman, Richmond County, North Carolina, for the purpose of attending a Cooperative Forestry Field Day Program; and

WHEREAS, this occasion will bring together prominent and outstanding industrial leaders from all areas within the State of North Carolina and from other sections of the United States; and

WHEREAS, the Forestry Field Day Program will cover all aspects of modern forest management as well as the manufacture of forest products; and

WHEREAS, the principal speaker on this occasion will be the Honorable Frederick S. Leinbach, President, Riegel Paper Corporation, of New York City; and

WHEREAS, this program will provide an unparalleled opportunity for the members of the General Assembly of North Carolina and others to learn more about one of North Carolina's most important natural resources and assets, and to be apprised of the vast potential economic benefits which can be derived therefrom; and

WHEREAS, extensive preparations have been made by the Seaboard Air Line Railroad Company in making plans in connection with the implementation of this Program and it is altogether fitting and proper that

the members of the General Assembly of North Carolina avail themselves of every opportunity of this kind to become intimately familiar with a major area of the State's economy:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The members of the Senate and of the House of Representatives do hereby accept the invitation herein referred to with deep appreciation and during this Session now convened will devote the entire day of Thursday, April 13, 1967, to attending the Forestry Program hereinabove referred to, its affiliates and its affiliated manufacturing and by-products.

Sec. 2. The General Assembly of North Carolina does hereby extend to the Seaboard Air Line Railroad Company its sincere gratitude and appreciation for this invitation and for the transportation to the site of the Forestry Field Day Program which will be furnished its members.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

S. R. 15 RESOLUTION 8

A JOINT RESOLUTION INVITING THE GENERAL ASSEMBLY TO VISIT BEAUFORT AND PITT COUNTIES, TO INSPECT THE PHOSPHATE DEVELOPMENT PROGRAM IN BEAUFORT COUNTY, AND TO HOLD A SESSION OF THE GENERAL ASSEMBLY IN BEAUFORT COUNTY ON WEDNESDAY, APRIL 19, 1967.

WHEREAS, Beaufort County and Pitt County have invited the General Assembly to visit those counties on Wednesday, April 19, 1967, as guest of the counties, and without any expense to members of the General Assembly; and

WHEREAS, the General Assembly has been invited to inspect the phosphate development program in Beaufort County; and

WHEREAS, those counties have extended an invitation to hold a Session of the General Assembly in Beaufort County:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly accepts the above invitation and will make a round trip on Wednesday, April 19, to Beaufort County and Pitt County by train for the purpose of visiting both counties, inspecting the phosphate development program in Beaufort County, and holding a Session of the General Assembly in Beaufort County. The hour and exact place of such Session shall be fixed at a later date, and the places and hours of arrival and departure will also be fixed at a later date.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

S. R. 32

RESOLUTION 9

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF OSCAR LEONARD RICHARDSON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, Oscar Leonard Richardson died on the 17th day of March, 1966; and

WHEREAS, he was born in Union County, North Carolina, on the 25th day of February, 1896, and received his education in the Union County and City of Monroe Public Schools and Trinity College where he received his law degree in 1924; and

WHEREAS, he was licensed to practice law in the State of North Carolina in 1924, taught in the public schools of North Carolina, and served as Clerk of Superior Court of Union County, North Carolina, from 1925 until 1934 when he entered the practice of law; and

WHEREAS, he served as attorney for the Town of Waxhaw, the City of Monroe, and Union County, and was a successful and good attorney, serving as attorney and as a member of the Boards of Directors of numerous corporations; and

WHEREAS, he served as Chairman of the Union County Democratic Executive Committee for many years and as a member of the State Board of Education for a number of years; and

WHEREAS, he was a member of Central Methodist Church, and for many years served on its Board of Stewards and as a Sunday School teacher in its Church School; and

WHEREAS, he served in the North Carolina House of Representatives during the 1939, 1941, 1943, and 1945 Sessions and was Speaker of the North Carolina House of Representatives in the 1945 Session; and

WHEREAS, he served as a member of the North Carolina State Senate in the 1947 and 1949 Sessions; and

WHEREAS, he was married to Sarah Cowan, and to this union was born one daughter, now Mrs. Charles G. Rose, III, and one son, Oscar Leonard Richardson, Jr., and his widow and daughter and son now survive him; and

WHEREAS, it is the desire of the General Assembly of North Carolina to honor the memory of Oscar Leonard Richardson and express its sympathy to his family in his death:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina recognizes the public service rendered by Oscar Leonard Richardson, with full knowledge that he rendered able and valuable service to his county, his profession, and in a larger sense to the State of North Carolina, with a devotion to duty, character of the highest degree, and with kindness and courtesy to all who had the privilege and pleasure of knowing him and being associated with him in his personal, professional, social, and political life.

Sec. 2. That this Resolution shall become a part of the public records of the 1967 Session of the General Assembly of North Carolina, and that the Secretary of State shall cause a certified copy of this Resolution to be transmitted to his widow.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of February, 1967.

S. R. 22 RESOLUTION 10

A JOINT RESOLUTION INVITING THE GENERAL ASSEMBLY TO VISIT THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE ON THE OCCASION OF THE INSTALLATION OF CHANCELLOR DEAN WALLACE COLVARD AND ON THE OCCASION OF THE SECOND ANNIVERSARY OF THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

WHEREAS, Friday, March 3, 1967, is the Second Anniversary of the University of North Carolina at Charlotte; and

WHEREAS, Dean Wallace Colvard will be installed as Chancellor of the University of North Carolina at Charlotte on said date:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina is hereby invited to visit the University of North Carolina at Charlotte on Friday, March 3, 1967, on the occasion of its Second Anniversary, and to attend the installation of Chancellor Dean Wallace Colvard at 11:00 o'clock in the morning, in the David Ovens Auditorium.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of February, 1967.

S. R. 58 RESOLUTION 11

A JOINT RESOLUTION HONORING THE NORTH CAROLINA ARMY AND AIR NATIONAL GUARD AND RECOGNIZING THEIR PAST AND PRESENT CONTRIBUTIONS TO THE WELFARE OF NORTH CAROLINA AND THE NATION.

WHEREAS, since the earliest colonial days, military forces from the community at large have been instrumental in winning and defending American independence; and

WHEREAS, these early military forces, forerunners of the modern-day National Guard, are found in the "train bands" of able-bodied men who defended the settlements along the Atlantic coast in the early Seventeenth Century; and

WHEREAS, today's modern Army and Air National Guard carry on in the spirit of the colonial "train bands" and can point to the longest continuous history of any military force in the United States; and

WHEREAS, the National Guard has served its communities, states and country in peace and war, answering the President's call to active duty five times in the last half century for service on the Mexican Border, in World War I, in World War II, in the Korean War, and during the Berlin Crisis; and

WHEREAS, National Guardsmen are organized, equipped and trained to function efficiently under competent orders of Federal or State authorities in the protection of life and property and the preservation of peace, order and public safety; and

WHEREAS, the President has elected at the present to keep the National Guard as a strategic reserve to protect the Nation against unforeseen national emergencies; that nothwithstanding this fact, the National Guard is actively assisting in the Vietnam War without being mobilized; and

WHEREAS, Guardsmen are manning forty-three per cent (43%) of the Nation's Nike-Hercules missile sites twenty-four hours a day and fifty-two per cent (52%) of the fighter interceptor force guarding America's skies on full time runway alert; and

WHEREAS, the North Carolina Air National Guard, along with other Air Guard units, presently is performing a vital service to the United States Air Force by flying cargo missions to all parts of the world, including Vietnam, and by performing State-side aeromedical evacuation missions without being mobilized or called into Federal service; and

WHEREAS, the National Guard of the State of North Carolina, which is guaranteed by the Constitution of the United States, continues to contribute to the building of this State and Nation, and it must remain strong and effective as a deterrent force for this Nation and the free world:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly of North Carolina expresses its sincere appreciation to the men and women of the past, the present and the future, who have served, are now serving, and will serve our State and Nation as members of the North Carolina Army and Air National Guard.

Sec. 2. That the General Assembly of North Carolina goes on record as giving its support to the missions of the North Carolina Army and Air National Guard.

Sec. 3. That this Resolution shall become a part of the Public Records of the General Assembly of North Carolina and a copy certified by the Secretary of State shall be sent to the Adjutant General of North Carolina.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of February, 1967.

H. R. 121 **RESOLUTION 12**

A JOINT RESOLUTION HONORING THE MEMORY OF R. H. WORTHINGTON, A PROMINENT CITIZEN OF PITT COUNTY.

WHEREAS, R. H. Worthington was born on April 29, 1910, in Ayden, North Carolina, and died on October 9, 1966; and

WHEREAS, R. H. Worthington devoted himself untiringly to the betterment of his local community, his County, and the State; and

WHEREAS, he served as a member of the Board of Commissioners of the Town of Ayden; and

WHEREAS, he was both a prominent business man and a farmer; and

WHEREAS, he was active in civic, fraternal and church services and activities; and

WHEREAS, he has served as Assistant Sergeant-at-Arms both in the Senate and the House of Representatives of the General Assembly of North Carolina; and

WHEREAS, in his passing the State has lost a devoted public servant and citizen:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly wishes to record its appreciation of the life of R. H. Worthington, a most able, useful and loyal citizen and public servant.

Sec. 2. That the General Assembly extends its sympathy to the family of R. H. Worthington for the loss of its distinguished member.

Sec. 3. That this Resolution shall become a part of the public record of the 1967 Session of the General Assembly of North Carolina, and a copy shall be duly certified by the Secretary of State and forthwith transmitted to the family of R. H. Worthington.

Sec. 4. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

H. R. 123 **RESOLUTION 13**

A JOINT RESOLUTION HONORING THE CHARLES D. OWEN HIGH SCHOOL GIRLS' BASKETBALL TEAM.

WHEREAS, the 1966-67 Charles D. Owen High School Girls' Basketball Team has just completed its third undefeated season by winning its third consecutive Buncombe County championship and compiled a record of sixty-five (65) consecutive games without defeat; and

WHEREAS, the Charles D. Owen High School Girls' Basketball Team is recognized as one of the truly great girls' team of the State and Nation; and

WHEREAS, the members of the team have distinguished themselves not only as great athletes, but as outstanding young women who will serve their State and Country well in whatever field of endeavor they may choose to enter; and

WHEREAS, the girls have brought fame to the school and community by their hard play and their unexcelled sportsmanship; and

WHEREAS, these girls: Kathy Rhodes, Debbie Reed, Carolyn Melin, Linda Brooks, Carol Watkins, Peggy Rozzell, Clara Smith, Sara Horne, Sherry Robertson, Ruth Robinson, Carol Rozzell, Romilta Ray, Jane Hardin, Susan Bumgarner, Sue Honeycutt, Susan Harris, Terry Wright, Cathy Rudisill and their coaches, Bill Rucker and Patsy Woodcock, have compiled a record that has attracted nation wide attention:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina does appreciate the efforts of this fine team and the excellent publicity which it has brought to our State.

Sec. 2. That we extend our wishes for many more successful years in the future.

Sec. 3. That the Secretary of State forthwith send a copy of this Resolution to Principal Charles Lytle, Swannanoa, North Carolina.

Sec. 4. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

H. R. 135 RESOLUTION 14

A JOINT RESOLUTION HONORING THE MEMORY OF THE HONORABLE CARL L. BAILEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

WHEREAS, Carl L. Bailey, former State Senator and Representative from Washington County, died on August 12, 1966; and

WHEREAS, Carl L. Bailey was born in Roper, North Carolina, on October 30, 1898, and pursued his education at Wake Forest College and Law School, attaining the LL.B degree in 1919; and

WHEREAS, Carl L. Bailey returned to his native Washington County and devoted his lifetime to the practice of law as a distinguished member of the North Carolina Bar and dedicated himself unselfishly in the field of public service by serving variously as Judge and Solicitor of the Washington County Recorder's Court from 1919 to 1930, as Washington County Attorney, as President of the Washington County Bar Association and later as President of the Second Judicial District Bar Association, and as a charter member of the Plymouth Rotary Club; and

WHEREAS, he served devotedly and ably in the North Carolina State Senate from 1933 to 1936 and in the House of Representatives in 1925-26; and

WHEREAS, he served with distinction as Chairman of the Commission on Revision of Laws of North Carolina Relating to Estates from 1935 to 1939, and later as a member of the North Carolina Judicial Council in 1956-57; and

WHEREAS, Carl L. Bailey was a life-long Democrat, serving as Chairman of the Washington County Democratic Executive Committee and as a member for many years of the State Democratic Executive Committee:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Carl L. Bailey, North Carolina and the County of Washington have lost an able legislator and an outstanding citizen.

Sec. 2. That a copy of this Resolution be spread on the minutes of both the House of Representatives and the Senate and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Carl L. Bailey.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of March, 1967.

S. R. 66 RESOLUTION 15

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF PRIVATE FIRST CLASS HIRAM (BUTCH) STRICKLAND OF ALAMANCE COUNTY.

WHEREAS, on February 1, 1966, Pfc. Hiram (Butch) Strickland, a native of Alamance County was killed in action in Vietnam while serving his country; and

WHEREAS, there was found among the personal effects of Pfc. Strickland a letter in his own handwriting addressed to his family and being as follows:

"Dear Folks,

"I'm writing this letter as my last one. You've probably already received word that I'm dead and that the government wishes to express its deepest regret.

"Believe me, I didn't want to die, but I know it was part of my job. I want my country to live for billions and billions of years to come.

"I want it to stand as a light to all people oppressed and guide them to the same freedom we know. If we can stand and fight for freedom, then I think we have done the job God set down for us. It's up to every American to fight for the freedom we hold so dear. If we don't, the smells of free air could become dark and damp as in a prison cell.

"We won't be able to look at ourselves in a mirror, much less at our sons and daughters, because we know we have failed our God, country, and our future generations.

"I can hold my head high because I fought, whether it be in heaven or hell. Besides the saying goes, 'One more GI from Vietnam, St. Peter; I've served my time in hell.'

"I fought for Sandy, Nell, Gale (his sisters), Mom, and Dad. But when the twins and Sandy's kids get old enough, they'll probably have to fight, too. Tell them to go proudly and without fear of death, because it is worth keeping the land free.

"I remember a story from Mr. Williams' (Thomas Williams, a teacher of Butch Strickland's at Southern High School) English classes when I was a freshman that said, 'The cowards die a thousand times, the brave die but once.'

"Don't mourn me, Mother, for I'm happy I died fighting my country's enemies, and I will live forever in people's minds. I've done what I've always dreamed of. Don't mourn me, for I died a soldier of the United States of America.

"God Bless you all, and take care. I'll be seeing you in heaven.

"Your loving son and brother,

Butch" and;

WHEREAS, this letter expresses so eloquently Pfc. Strickland's love of God, country and family; and

WHEREAS, this letter was selected by the Freedoms Foundation of Valley Forge, Pennsylvania, a distinguished and honored organization, as the best expression during 1966, of ". . . faith, love and devotion to God and country" and the Freedoms Foundation determined that Pfc. Strickland's life ". . . set an example for every man who truly loves freedom"; and

WHEREAS, the highest national honor of the Freedoms Foundation, the George Washington Award, was given posthumously to Pfc. Strickland at Valley Forge, Pennsylvania, on February 21, 1967, in a ceremony attended by Pfc. Strickland's family, United States Senator B. Everett Jordan, Representative Horace R. Kornegay, Charles Dunn, Administrative Assistant to Governor Dan K. Moore, and other dignitaries; and

WHEREAS, this General Assembly should preserve for all time Pfc. Strickland's letter as a continual memorial of his devotion and love of God, country and family and as a reminder to all citizens of the price we pay for freedom:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina acknowledges for itself and for the people of North Carolina a deep sense of gratitude for the life and service of Private First Class Hiram (Butch) Strickland of Alamance County and records its admiration of his devotion to duty and respect for his memory.

Sec. 2. The General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina and that a copy of this Resolution, duly certified, be transmitted by the Secretary of State to the family of Pfc. Strickland.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. R. 152 **RESOLUTION 16**

A JOINT RESOLUTION HONORING THE MEMORY OF PATRICK HENRY JOHNSON, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY FROM BEAUFORT COUNTY.

WHEREAS, Patrick Henry Johnson, Sr., former member of the State Senate from Beaufort County, died on the 2nd day of January, 1967; and

WHEREAS, P. H. Johnson, Sr., was born in Pantego, Beaufort County, on January 21, 1879; and

WHEREAS, P. H. Johnson, Sr., graduated from the Pantego Academy and embarked upon a life-long career of activity in the service of his community and State by variously serving as Mayor of Pantego, member of the Beaufort County Board of Education, as County Commissioner of Beaufort County, and as Judge of the Belhaven Recorder's Court; and

WHEREAS, P. H. Johnson, Sr., served ably and well in the North Caroline State Senate from 1923 to 1927, and was an original member of the State Board of Equalization; and

WHEREAS, he was an organizer and the first Chairman of the pioneering Pantego Drainage District and completed an enviable record as Chairman of the District for a period of 58 years, until his death; and

WHEREAS, in the death of Patrick Henry Johnson, Sr., Beaufort County and the State of North Carolina have suffered a great loss:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of Patrick Henry Johnson, Sr., North Carolina and the County of Beaufort have lost a devoted public servant.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Patrick Henry Johnson, Sr.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. R. 154 **RESOLUTION 17**

A JOINT RESOLUTION HONORING THE MEMORY OF CHARLES WAYLAND SPRUILL.

WHEREAS, Charles Wayland Spruill was born in Bertie County on April 6, 1889, and died on November 1, 1966, after a lifetime of service to the State and Bertie County; and

WHEREAS, in the death of Mr. Spruill, the State has suffered the loss of a capable legislator who served his State well, serving in the Senate in the Session of 1939, and in the House of Representatives in the Sessions of 1933, 1935, 1937, 1943, 1945, 1947, 1949, 1951, 1959 and 1961; and

WHEREAS, Wayland Spruill ably served as House Sergeant-at-Arms in the Sessions of 1953 and 1955; and

WHEREAS, Wayland Spruill was highly regarded as a merchant, farmer and manufacturer in Bertie County and was active on various local boards and commissions and in civic affairs; and

WHEREAS, Mr. Spruill also served the State as a member of the State Planning Board and the Mental Hospital Board of Control; and

WHEREAS, Wayland Spruill in his early years served as a County Commissioner for Bertie County; and

WHEREAS, as evidence of the affection with which he was regarded, Wayland Spruill was known far and wide as "Cousin Wayland":

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Wayland Spruill, North Carolina and Bertie County have lost an able legislator and an outstanding citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the House of Representatives and the Senate and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Wayland Spruill.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 7th day of March, 1967.

H. R. 185 RESOLUTION 18

A JOINT RESOLUTION HONORING NORTH CAROLINA STATE UNIVERSITY AT RALEIGH ON THE 80TH ANNIVERSARY OF ITS FOUNDING.

WHEREAS, North Carolina State University at Raleigh, a campus of The Consolidated University of North Carolina, was originally established through the foresight and wisdom of the General Assembly of 1887 as The North Carolina College of Agriculture and Mechanic Arts; and

WHEREAS, in the eighty years since March 7, 1887, the University has become one of the Nation's leading Land-Grant institutions and has increasingly contributed through its teaching, research, and extension activities to the economic and cultural development of the State and Nation; and

WHEREAS, since the end of World War II, the influence of the University has reached more than sixty foreign lands through the education of many students from overseas and through the organized activities of the schools of Agriculture and Life Sciences, Textiles, and Engineering in India, Afghanistan, Peru and elsewhere; and

WHEREAS, the government of the United States and of North Carolina frequently rely on members of the Faculty and Administration of the University for counsel and advice in scientific, technological, governmental, and cultural matters:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of 1967 congratulates North Carolina State University at Raleigh on its 80th anniversary and takes pride in the achievements of the University.

Sec. 2. That the General Assembly proudly recognizes the contributions of the University in scientific, technological and cultural fields through its nine undergraduate and graduate schools and its extension and continuing education activities.

Sec. 3. That the General Assembly commends the Faculty and Administration of the University for their outstanding contributions to higher education and to the advancement of human knowledge through basic and applied research.

Sec. 4. That the General Assembly takes note of the high morale of the student body presently enrolled in the University and also recognizes the notable contributions made by the University's alumni to the well being of this State and Nation.

Sec. 5. That the members of this General Assembly, in view of the past and present accomplishments of North Carolina State University at Raleigh, consider themselves justified in expecting even greater achievements in the future.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of March, 1967.

H. R. 187 RESOLUTION 19

A JOINT RESOLUTION ENDORSING THE OBSERVANCE OF NATIONAL PEANUT WEEK.

WHEREAS, the week of March 8-18 has been designated as National Peanut Week by the National Peanut Council the industry's organization; and

WHEREAS, North Carolina's economy is vitally influenced with a farmer income of forty million dollars ($40,000,000.00) from the annual production of peanuts, and the economy is further enriched by the handling of peanuts by shellers, manufacturers, and retailers; and

WHEREAS, peanuts and peanut products are recognized by food nutritionists as being one of the most wholesome and healthy foods produced with a flavor that appeals to all ages of people:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina endorses the observance of National Peanut Week and recommends to the citizens of North Carolina and of the United States the maximum daily use of peanuts and peanut products during this special week and in the future whenever food is desired.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 9th day of March, 1967.

H. R. 202 **RESOLUTION 20**

A JOINT RESOLUTION CONGRATULATING AND COMMENDING THE COACH AND PLAYERS OF THE ASHLEY HIGH SCHOOL BOYS' BASKETBALL TEAM FOR THEIR PERFORMANCE AND SPORTSMANSHIP IN WINNING THE STATE 4A CONFERENCE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Boys' Basketball Team of Ashley High School, Gastonia, North Carolina, won the State 4A Conference Basketball Championship on March 4, 1967; and

WHEREAS, the General Assembly of North Carolina desires to congratulate and commend the Coach and players of the Ashley High School Boys' Basketball Team:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina congratulates and commends the Coach and players of the Boys' Basketball Team of Ashley High School, Gastonia, North Carolina, for outstanding record of performance and sportsmanship in winning the State 4A Conference Basketball Championship on March 4, 1967.

Sec. 2. After adoption of this Resolution, the Secretary of State shall forward a certified copy to Mr. Larry Rhodes, Coach of the Ashley High School Basketball Team.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. R. 203 **RESOLUTION 21**

A JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO APPOINT ASSOCIATE JUSTICE SUSIE MARSHALL SHARP TO THE SUPREME COURT OF THE UNITED STATES.

WHEREAS, the Honorable Thomas Campbell Clark, Associate Justice of the Supreme Court of the United States, has indicated his intention to resign as a member of that Court; and

WHEREAS, the resignation of Mr. Justice Clark will result in a vacancy upon the Supreme Court of the United States; and

WHEREAS, the Constitution of the United States imposes upon the President of the United States the duty of appointing members of the Supreme Court of the United States and filling vacancies that from time to time occur among the membership of that Court; and

WHEREAS, the continuation of the republican form of government of this country and the ideals of equal justice under law and the preservation of the integrity of the judicial branch as one of the separate and equal branches of the government of the United States necessitate the appointment to and service upon the Supreme Court of the United States of persons of high character, intellect, erudition, judicial temperament,

loyalty, patriotism, and the highest degree of competency as both a scholar and practitioner of the law in varying capacities, including the actual practice of law and demonstrated capacity as a trial judge; and

WHEREAS, the duty of selecting a person who could meet these standards is one that would weigh heavily upon the shoulders of any President who might find himself charged with it; and

WHEREAS, even the abundance of able and competent prospective candidates for the appointment in itself presents problems of decision and selection, making it incumbent upon all who are able to do so to provide such suggestions as they can that might help the President in the making of his ultimate decision; and

WHEREAS, the Honorable Susie Marshall Sharp, a member of the Supreme Court of North Carolina, is eminently qualified for service upon the highest judicial body of the United States; and

WHEREAS, Justice Sharp has had a distinguished legal career of 39 years as a member of the Bar, including 20 years of private practice, 13 years as a Judge of the Superior Court of North Carolina, and service as an Associate Justice of the Supreme Court of North Carolina since March 14, 1962; and

WHEREAS, Justice Sharp's private practice was characterized by able and conscientious representation of her clients, her service as a trial judge upon the bench of the Superior Court of North Carolina was characterized by the highest standards of judicial fairness and able and impartial application of the law to the cases before her, and her service upon the Supreme Court of North Carolina has been characterized by judicial opinions in which outstanding scholarship, judicial temperament and clear understanding of the law are manifest, and many of her opinions in landmark cases have been of such importance to the people of North Carolina and have been of such notable importance in American jurisprudence that they have been cited by courts throughout the land; and

WHEREAS, her opinions are of such recognized judicial merit that nine of them have been completely annotated in the American Law Reports, which is an unusual and outstanding record for five years service as a Justice of a State Supreme Court; and

WHEREAS, Justice Sharp was born in Rocky Mount, North Carolina, educated in the public schools of Reidsville, the North Carolina College for Women at Greensboro, and the Law School of the University of North Carolina at Chapel Hill, which in 1929 awarded her the degree of bachelor of law; and

WHEREAS, her outstanding qualities have resulted in the awarding to her of honorary degrees by five institutions of higher learning, including the Woman's College of the University of North Carolina at Greensboro; Pfeiffer College; Elon College; Queens College; and Wake Forest College which recognized "her knowledge of the law . . . her ability in interpreting it with clarity and skill . . . rare judicial talent and rare personal charm"; and

WHEREAS, her qualities as a lawyer, citizen and trial judge were described accurately in the following citation accompanying the awarding

to her of the Honorary Degree by the Woman's College of The University of North Carolina at Greensboro, May 29, 1950:

"SUSIE MARSHALL SHARP: Learned and upright judge; student of law; student of all mankind; holder of the scales of justice with evenness and wisdom; corrector of the mistakes of men in an imperfect world; pride of the commonwealth and of all men; efficient in the dispatch of business; commanding the respect of all your fellows; good humored in the manner of your Court; clear and concise in your charge to juries; considerate of youthful offenders; dignified; charming; learned and wise"; and

WHEREAS, Justice Sharp actually has participated in the growth and betterment of the legal profession through membership in the North Carolina State Bar, the North Carolina Bar Association, the American Bar Association, and the American Law Institute; and

WHEREAS, her notable achievements have been recognized by membership in the Order of the Coif, the highest of the honorary legal societies; and the Order of Valkyries, the highest honorary society for women at the University of North Carolina at Chapel Hill; honorary membership in Phi Beta Kappa, the oldest and highest academic fraternity in America; the Altrusa Club and Soroptimist Club, women's service organizations of recognized achievement; Delta Kappa Gamma, an outstanding college society; the American Business Women's Association, an organization of the leaders in American business; and by listing in Who's Who in America and Who's Who in American Women; and

WHEREAS, Justice Sharp has been a member of the Democratic Party ever since she has been of age and has contributed toward the continued improvement of government by vigorously supporting its party and its candidates when such active participation has been consistent with the standards of propriety pertaining to service in a judicial position; and

WHEREAS, Justice Sharp initially was appointed as Special Judge of the Superior Court of North Carolina by a distinguished leader of the Democratic Party, a foresighted Governor of her State, the Honorable William Kerr Scott, and was reappointed by his successors, Governor William Bradley Umstead, Governor Luther Hodges, who later served with distinction as Secretary of Commerce of the United States, and by Governor Terry Sanford, who recognized her superior qualities and appointed her to the Supreme Court of North Carolina; and

WHEREAS, she was Democratic nominee for the Supreme Court of North Carolina in 1962 whereupon she was overwhelmingly elected to serve out the unexpired portion of the term for which she had been appointed, and in 1966 again was the Democratic nominee and received more votes in the general election than were cast by the people of North Carolina for any other candidate voted upon in that election; and

WHEREAS, provincial or regional allegiance should not be a prime criteria for the selection of justices upon the Supreme Court of the United States, no North Carolinian has served upon the Supreme Court of the United States since the Honorable Alfred Moore terminated his services as a member of that tribunal in 1804, and a variety of background, educationally, culturally, socially and judicially, is a desirable characteristic to be sought for the total composition of the bench of the Supreme Court

of the United States and would be contributed to a marked and highly desirable degree by the appointment of Justice Sharp to that Court; and

WHEREAS, the ascendency of women to positions of increased responsibility within the government of the United States has contributed toward the perpetuation of the idea of a democratic republic that has been a foundation for national greatness and has been and is being contributed to by the able and distinguished services of ladies upon trial and appellate benches and legislative bodies both state and national; and

WHEREAS, Justice Sharp is an outstanding example of achievement of American womanhood; and

WHEREAS, the General Assembly of North Carolina desires that the best possible person available for the discharge of the duties of the high office of Associate Justice of the Supreme Court of the United States be appointed to that position; and

WHEREAS, the members of the General Assembly of North Carolina, both lawyers and laymen, confidently believe that Justice Sharp meets that standard and as a Justice of the Supreme Court of the United States would discharge her duties and in a manner that would reflect high credit upon not only herself, but also her native State, the bench and bar of the Nation, and the President of the United States whose wisdom it would be to impose his confidence in her by appointment of that high position and upon the American tradition of unlimited opportunity and equal justice under law:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina hereby memorializes President Lyndon Baines Johnson to appoint Associate Justice Susie Marshall Sharp of the Supreme Court of North Carolina to fill any vacancy that now or hereafter in the reasonable future might exist upon the Supreme Court of the United States.

Sec. 2. That the Secretary of State forthwith send a copy of the Resolution to the President of the United States and to each member of the Congress from the State of North Carolina.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of March, 1967.

H. R. 241 RESOLUTION 22

A JOINT RESOLUTION TO EXPRESS DEEP APPRECIATION AND TO PAY APPROPRIATE HONOR TO UNITED STATES ARMY SPECIALIST 6 LAWRENCE JOEL OF FORSYTH COUNTY IN THE NAME OF ALL THE CITIZENS OF THE STATE OF NORTH CAROLINA.

WHEREAS, Specialist 6 Lawrence Joel, on November 8, 1965, near Bien Hoa, South Viet Nam, did distinguish himself on the battlefield far above and beyond the call of duty; and

WHEREAS, Specialist 6 Lawrence Joel, although wounded twice in the leg, did crawl about the battlefield for more than twelve hours under intense enemy fire and did administer to other wounded men without regard for his own life; and

WHEREAS, Specialist 6 Lawrence Joel, by his courageous actions has brought great honor to himself, to his home city of Winston-Salem, to his home State of North Carolina, and to his country; and

WHEREAS, Specialist 6 Lawrence Joel represents a very special kind of courage—the unarmed heroism of compassion and service to others; and

WHEREAS, Specialist 6 Lawrence Joel was paid appropriate honor by his country on March 9, 1967 and was awarded the highest military award, the Congressional Medal of Honor for his actions, bestowed on him by the President of the United States, in the presence of the Vice President, members of Congress, other dignitaries, and his family:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the people of North Carolina, through their elected representatives, express their appreciation and respect with appropriate ceremonies, and that a committee be appointed to make such arrangements as are necessary, and that the members of this committee be appointed: three by the President of the Senate, Robert W. Scott, three by the Speaker of the House of Representatives, David M. Britt, and one by Governor Dan K. Moore.

Sec. 2. The General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina and that a copy of this Resolution, duly certified, be transmitted by the Secretary of State to the family of Specialist 6 Lawrence Joel.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

H. R. 248 RESOLUTION 23

A JOINT RESOLUTION CONGRATULATING THE BASKETBALL TEAM OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR WINNING THE 1967 ATLANTIC COAST CHAMPIONSHIP AND WISHING IT SUCCESS IN ITS QUEST FOR THE NATIONAL CHAMPIONSHIP.

WHEREAS, the University of North Carolina at Chapel Hill has a glorious tradition in intercollegiate athletics to complement its academic stature; and

WHEREAS, the University basketball team has enhanced that tradition by winning the 1967 Atlantic Coast Conference Championship, achieving a ranking of third in the Nation, and qualifying for the Eastern Regionals as a prelude to a chance at the National Championship; and

WHEREAS, the achievements of this team have been marked by unusual personal and group excellence, reflecting high skill and courage in

performance, integrity, and brotherhood on and off the court, and exceptional leadership and unity among coaches and players; and

WHEREAS, this team has captured the imagination, renewed a sense of pride, and brought reflected glory to the people and State of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina, in behalf of the people of North Carolina, congratulates and commends the basketball team of the University of North Carolina at Chapel Hill and its coaches and the University which they have so admirably represented, and requests Chancellor J. Carlyle Sitterson to convey to Coach Dean Smith and his remarkable team its best wishes for success in their efforts to bring home another National Championship and its confidence that they will continue to bring honor and recognition to themselves, the University, and the State, through the radiant shine of high achievement.

Sec. 2. That 20 certified copies of this Resolution be prepared by the Secretary of State and sent to Chancellor Sitterson for distribution to Coach Smith and his staff and to the individual players, and for appropriate display by the University as symbols of the appreciation and pleasure of this General Assembly and the people of North Carolina in their accomplishments, and that this Resolution be made a part of the permanent records of the 1967 General Assembly.

Sec. 3. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of March, 1967.

S. R. 109 RESOLUTION 24

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL MOORE ALLISON OF JACKSON COUNTY.

WHEREAS, Daniel Moore Allison, who was born in Webster, North Carolina, October 9, 1904, the son of Eugenia Moore Allison and the late Thomas Bragg Allison, died on March 4, 1967, after a lifetime of distinguished service to his State and County; and

WHEREAS, Daniel Moore Allison graduated from the Webster High School and attended the University of North Carolina and Western Carolina College at Cullowhee; and

WHEREAS, he married the former Emma Johnson of Franklin, Tennessee, and was the father of four children, three of whom survive: Daniel Moore Allison, Jr., Sylva, North Carolina, Mrs. Edward Gegan, Memphis, Tennessee, and Mrs. James Wilkinson, Jr., Concord, North Carolina; and

WHEREAS, the political activities of Daniel Moore Allison included the following: Representative of Jackson County in the General Assembly in 1945; served for eight years as Clerk of Court of Jackson County; served on the North Carolina State Democratic Executive Committee; served as Chairman of the Jackson County Democratic Executive Committee from 1946-1952, and at the time of his death was serving a new

term as Chairman of the Jackson County Democratic Executive Committee and Magistrate of the District Court; and

WHEREAS, Daniel Moore Allison's long and successful business career included such activities as holding the oldest Oldsmobile Dealership in the State of North Carolina, president and owner of the Skyline Oil Company, member of the Board of Directors of Citizens Bank & Trust Co., and member of the Board of Trustees of the Sylva Branch; and

WHEREAS, Daniel Moore Allison was a member of Dillsboro Masonic Lodge No. 459, and a former member of Sylva Rotary Club; served as Chairman of Ration Board during World War II and received a citation from President Franklin D. Roosevelt for his services; he was a member of the North Carolina Automobile Dealer's Association, having served as an officer and member of the legislative body of that Association; and, in 1965, was named "Boss of the Year" by the Jackson County Junior Chamber of Commerce; and

WHEREAS, Daniel Moore Allison was a Methodist, having served on the Board of Trustees and Board of Stewards:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the passing of Daniel Moore Allison, the State of North Carolina and the County of Jackson have lost a distinguished citizen, and the General Assembly of North Carolina expresses its sincere and profound sorrow to the members of his family.

Sec. 2. That a copy of this Resolution be spread upon the Minutes of both the Senate and House of Representatives, and that a copy be forwarded by the Secretary of State to the Sylva Herald, Sylva, North Carolina, the Asheville Citizen-Times, Asheville, North Carolina, and to his widow, Mrs. Emma Johnson Allison, Sylva, North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 17th day of March, 1967.

S. R. 124 RESOLUTION 25

A RESOLUTION TO PAY HONOR TO THE WINSTON-SALEM STATE COLLEGE BASKETBALL TEAM IN THE NAME OF ALL THE CITIZENS OF THE STATE OF NORTH CAROLINA.

WHEREAS, the Winston-Salem State College basketball team did bring honor to Winston-Salem, Forsyth County, and the great State of North Carolina by winning the National Collegiate Athletic Association—College Division Championship; and

WHEREAS, the Winston-Salem State College basketball team did bring honor to the entire South as the first team from the South to ever win this National Championship; and

WHEREAS, the team displayed great courage, determination, dedication, and heart exemplified by the motto they followed during the season, "We Try Harder"; and

WHEREAS, each member of the team, led by Earl Monroe, their great All-American, with Bill English, Johnny Watkins, James Reed, Eugene Smiley, Brent Cromwell, Steven Smith, Vaughn Kimbrough, Ernest Brown, and John Latham, did perform their best in the true tradition of amateur sports in this great Nation; and

WHEREAS, the Winston-Salem State College Rams did receive their inspiration and instruction from their honorable coach and true friend Clarence E. (Bighouse) Gaines, who has for many years guided the teams of his great and beloved institution to a place of national prominence, climaxed by this National Championship; and

WHEREAS, the coach, the team, and the school did exemplify to this great State and Nation, by their conduct, courage, and physical skill, the highest in American sports:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the people of North Carolina, through their elected representatives, express their respect and regard to the Winston-Salem State College basketball team.

Sec. 2. The General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina and that a copy of this Resolution, duly certified, be transmitted by the Secretary of State to (a) Coach Clarence Gaines, (b) each member of the team, and (c) the President, Dr. Kenneth Williams.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 22nd day of March, 1967.

H. R. 313 RESOLUTION 26

A JOINT RESOLUTION INVITING HIS EXCELLENCY, THE GOVERNOR, TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 12 O'CLOCK NOON, MARCH 30, 1967.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. His Excellency, the Governor, is hereby invited to address a Joint Session of the General Assembly at 12:00 o'clock noon on March 30, 1967.

Sec. 2. A committee of two from the Senate shall be appointed by the President and three from the House of Representatives shall be appointed by the Speaker to extend this invitation and to escort the Governor into the Hall of the House of Representatives.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

S. R. 145 **RESOLUTION 27**

A JOINT RESOLUTION HONORING THE MEMORY OF J. SPENCER BELL.

WHEREAS, Jesse Spencer Bell was born in Charlotte on April 1, 1906, son of the prominent James A. and Jessie M. Spencer Bell, and died on March 19, 1967, after a lifetime of service to the United States, the State of North Carolina and Mecklenburg County; and

WHEREAS, in the death of Justice Bell, the State and the Nation have suffered the loss of a fine jurist, leading citizen and great man who served his State and his Nation well during a lifetime of public service; and

WHEREAS, as Chairman of a fifteen-lawyer Committee named to conduct a study of the North Carolina judiciary by the North Carolina Bar Association in 1955, the late J. Spencer Bell conducted a study of the North Carolina judicial system in a brilliant campaign to completely overhaul the North Carolina judicial system which campaign resulted in the court reform now in progress in this State; and

WHEREAS, Justice Bell ably served as Senator from Mecklenburg County in the General Assemblies of 1957, 1959 and 1961 and led the fight for reapportionment of State legislative votes, which campaign he won in 1961; and

WHEREAS, Justice Bell was appointed by the late President John F. Kennedy on September 14, 1961, as Justice for the Fourth Circuit where he built a brilliant record as an outstanding jurist and just prior to his death had been appointed by Chief Justice Earl Warren to head a study commission of Federal judges on fair trial and the free press, an appointment which showed the high regard in which he was held by his fellow Federal judges; and

WHEREAS, J. Spencer Bell was highly regarded as a brilliant attorney in Charlotte and was highly regarded for his public service including his action on the Charlotte Planning Commission in leading a fight for more progressive zoning laws and as Chairman of the Social Planning Council in Charlotte; and

WHEREAS, he served his country as a Major in artillery during World War II; and

WHEREAS, he was active as a leader of the Democratic Party in Mecklenburg County and in the State of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of J. Spencer Bell, the United States, North Carolina and Mecklenburg County have lost an outstanding jurist, an able legislator and a fine citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of J. Spencer Bell.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of March, 1967.

H. R. 122 **RESOLUTION 28**

A JOINT RESOLUTION CREATING A ZOOLOGICAL GARDEN STUDY COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING A ZOOLOGICAL GARDEN IN NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Commission to be designated as the Zoological Garden Study Commission. It shall consist of nine members. Three shall be appointed by the Governor, one of whom shall be designated as Chairman. Three shall be appointed by the Lieutenant Governor. Three shall be appointed by the Speaker of the House of Representatives.

Sec. 2. The Commission shall hold its first meeting at such time and place as may be designated by the Chairman.

Sec. 3. It shall be the duty of the said Commission to study the feasibility of establishing a zoological garden in North Carolina.

Sec. 4. Members of the Commission shall serve without pay, per diem allowance, business or travel expenses.

Sec. 5. After completing its investigation and study, the Commission shall file a report with the Governor and the General Assembly as soon as possible.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

H. R. 153 **RESOLUTION 29**

A JOINT RESOLUTION APPROVING THE ALLOCATION BY THE DEPARTMENT OF CONSERVATION AND DEVELOPMENT OF FIFTY THOUSAND DOLLARS TO THE GREATER CHARLOTTE BICENTENNIAL COMMISSION.

WHEREAS, the Department of Conservation and Development has heretofore participated with the City of Charlotte, Mecklenburg County, and the citizens thereof in conducting Trade Fairs held in Charlotte in 1961 and 1963; and

WHEREAS, these Trade Fairs were of benefit to the entire State by reason of their promotion of the State, its people and products; and

WHEREAS, these Trade Fairs were financially profitable and the Department of Conservation and Development now has on hand the sum of fifty thousand dollars ($50,000.00) realized from said Trade Fairs; and

WHEREAS, the City of Charlotte, Mecklenburg County, and the citizens thereof plan to celebrate during 1968 the 200th anniversary of the granting of a Charter to said city; and

WHEREAS, said celebration is now being planned by a Greater Charlotte Bicentennial Commission appointed by Mayor Brookshire of Charlotte and consisting of leading citizens of the city and Mecklenburg County; and

WHEREAS, widespread publicity of said bicentennial is planned by said Commission; and

WHEREAS, this celebration, like the 1961 and 1963 Trade Fairs, will be of benefit to the entire State of North Carolina by reason of its national

and international publicity and promotion of the State of North Carolina, its people and products; and

WHEREAS, the Board of Conservation and Development at its December 1966 meeting held in the City of Charlotte adopted a formal Resolution approving the allocation of the sum of fifty thousand dollars ($50,000.00) to the Greater Charlotte Bicentennial Commission for the exclusive use by said Commission for the promotion of the 1968 Charlotte Bicentennial throughout North Carolina, the Nation and the World:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina herewith approves the allocation of the sum of fifty thousand dollars ($50,000.00) by the Department of Conservation and Development to the Greater Charlotte Bicentennial Commission, said sum to be used exclusively by said Commission for the promotion of the 1968 Charlotte Bicentennial throughout North Carolina, the Nation and the World.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 24th day of March, 1967.

S. R. 156 RESOLUTION 30

A JOINT RESOLUTION HONORING AYDEN HIGH SCHOOL FOR ITS OUTSTANDING ATHLETIC ACHIEVEMENTS.

WHEREAS, the Ayden High School Basketball Team has won the State A Championship for the last two years; and

WHEREAS, the team has just completed two undefeated seasons with fifty-six victories and no defeats; and

WHEREAS, the Ayden High School Football Team has won the District I Championship for the last two years; and

WHEREAS, the team has demonstrated its athletic ability by consecutively defeating twenty-eight opponents over the last two years; and

WHEREAS, the Ayden High School Baseball Team suffered only one defeat in 1966; and

WHEREAS, the community of Ayden has encouraged and boosted Ayden High School's teams by interest and support in the athletic endeavors of said high school:

Now, therefore, be it resolved by the Senate, the House of Pepresentatives concurring:

Section 1. The General Assembly of North Carolina congratulates the players, coaches, school officials, faculty and student body of the Ayden High School, and the players and coaches of the Ayden High School basketball, football and baseball teams for their outstanding record in sports and commends said teams on their sportsmanship and athletic ability; and also extends its commendations to the citizens of Ayden without whose support these teams could not have achieved such perfect records.

Sec. 2. The Secretary of State shall cause certified copies of this Resolution to be sent to Coach Stuart Tripp, Coach Tommy Lewis, the Principal of Ayden High School, the City Manager of Ayden, and such members of the aforementioned teams as the coaches may deem proper.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 28th day of March, 1967.

H. R. 347 RESOLUTION 31

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN QUINCE LEGRAND OF CHAPEL HILL, NORTH CAROLINA.

WHEREAS, John Quince LeGrand died unexpectedly, at the age of 62, on Good Friday, March 24, 1967; and

WHEREAS, during his lifetime, Mr. LeGrand rendered unselfish and distinguished service to his community, county and State; and

WHEREAS, Mr. LeGrand, a native of Wilmington, North Carolina, received a law degree from the University of North Carolina in 1927, subsequently worked in New York and Goldsboro before returning to Wilmington to practice law; and

WHEREAS, Mr. LeGrand, served as a Representative from New Hanover County in the General Assembly of North Carolina in the Sessions of 1939, 1941, and 1945; and

WHEREAS, Mr. LeGrand served as a member of the Board of Trustees of the University of North Carolina; and

WHEREAS, Mr. LeGrand served as president of the Wilmington Kiwanis Club and later as District Lieutenant Governor of Kiwanis International; and

WHEREAS, Mr. LeGrand when he moved to Chapel Hill in 1950 served as the Solicitor of the Orange County Recorder's Court for a number of years; and

WHEREAS, Mr. LeGrand served until his death as the Attorney for the Town of Chapel Hill and for the Chapel Hill Board of Education; and

WHEREAS, Mr. LeGrand was active in the practice of law, a devoted member of the Episcopal Church, and gave his talents to numerous community projects; and

WHEREAS, the General Assembly wishes to record its appreciation of his life and his contributions to the State of North Carolina and to express its sympathy to his family:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Mr. John Quince LeGrand the State has lost an able, useful and loyal citizen.

Sec. 2. The General Assembly does hereby express its appreciation of Mr. LeGrand as a devoted public servant and citizen, and does hereby extend its sympathy to his family for the loss of its distinguished member.

Sec. 3. That this Resolution shall become a part of the public record of the 1967 Session of the General Assembly of North Carolina, and a copy

shall be duly certified by the Secretary of State and forthwith transmitted to the family of Mr. LeGrand.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 29th day of March, 1967.

S. R. 189 RESOLUTION 32

A JOINT RESOLUTION HONORING THE MEMORY OF FITZHUGH ERNEST WALLACE, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY FROM LENOIR COUNTY.

WHEREAS, Fitzhugh Ernest Wallace, Sr., former Representative of Lenoir County in the General Assembly from 1939-1947, died on the 7th day of March, 1967; and

WHEREAS, F. E. Wallace, Sr., was born in Wallace, North Carolina, on December 14, 1889; and

WHEREAS, after the completion of his formal education at Davidson College and the University of North Carolina, he was admitted to the bar in 1914 and embarked upon the active and successful practice of law in Kenansville and then in Kinston; and served variously as a member of the Council of the N. C. State Bar, and as president of the North Carolina Bar Association in 1942-43; and

WHEREAS, F. E. Wallace, Sr., distinguished himself by his notable record of public service by his activities as a Mason, a Kiwanian, a Shriner, and an Elk; as a long-time and devoted member of the Board of Trustees of the University of North Carolina; as an able Chairman of the Legislative Commission on Recodification of the North Carolina Code; and at the time of his death was an elder emeritus of the First Presbyterian Church of Kinston; and

WHEREAS, he distinguished himself and his County of Lenoir as Representative in the General Assembly from 1939-1947; and

WHEREAS, in the death of F. E. Wallace, Sr., Lenoir County and the State of North Carolina have suffered the loss of an outstanding citizen, lawyer, and former legislator:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the passing of Fitzhugh Ernest Wallace, Sr., North Carolina and the County of Lenoir have lost an outstanding citizen.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and the House of Representatives, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him duly transmitted to the family of Fitzhugh Ernest Wallace, Sr.

Sec. 3. That this Resolution shall become effective upon it adoption.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. R. 412

RESOLUTION 33

A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM VANCE COOPER, FORMER MEMBER OF THE GENERAL ASSEMBLY FROM GRAHAM COUNTY.

WHEREAS, William Vance Cooper, former Representative of Graham County in the General Assembly in 1963 and 1965, died on the 9th day of April 1966; and

WHEREAS, William Vance Cooper was born in Graham County, North Carolina, on July 19, 1909, and received his formal education at Robbinsville High School, and embarked upon his life's work as a contractor; and

WHEREAS, William Vance Cooper distinguished himself and his community by his activities as a member of the Chamber of Commerce and by his record of public service as a city alderman in his native Robbinsville, and whereas he was a veteran of the second World War (1942-1945); and

WHEREAS, he distinguished himself and his County of Graham as Representative in the General Assembly in the Sessions of 1963 and 1965:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the passing of William Vance Cooper, North Carolina and the County of Graham have lost an outstanding citizen and former legislator.

Sec. 2. That a copy of this Resolution be spread on the minutes of both the House of Representatives and the Senate, and that a copy of this Resolution shall be duly certified by the Secretary of State and by him duly transmitted to the family of William Vance Cooper.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 4th day of April, 1967.

H. R. 240

RESOLUTION 34

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF R. P. RICHARDSON.

WHEREAS, the General Assembly of North Carolina acknowledges with deep regret that R. P. Richardson, of Reidsville, died on February 17, 1967; and

WHEREAS, in the death of R. P. Richardson the Reidsville community lost one of its most influential and serviceable citizens and the State of North Carolina a leader who in the field of mental health was a major force during the postwar years; and

WHEREAS, he was an active contributor to the affairs of his community, a strong participant in civic life, and a man of vision and business acumen with rare qualities of warm fellowship, fond family ties, and a Christian gentleman; and

WHEREAS, he was a distinguished alumnus of Davidson College and continued his interest in higher education by maintaining a close working relationship with the University of North Carolina at Chapel Hill; and

WHEREAS, R. P. Richardson devoted 22 years to service on the State Board of Mental Health, formerly the State Hospitals Board of Control, having been appointed thereto by Governor R. Gregg Cherry and reappointed by each Governor since that time; it is fitting that he be especially honored as an outstanding example of the citizens of this State who serve on boards and commissions of vital importance, receiving no compensation and serving at personal sacrifice to their own business and personal affairs:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina does hereby join in the sorrow of the family of the Honorable R. P. Richardson at his passing, and does hereby express profound and sincere appreciation for the life and character of this distinguished man.

Sec. 2. This Resolution shall become a part of the public records of the 1967 Session of the General Assembly and a copy shall be duly certified by the Secretary of State and by him transmitted to the family of the Honorable R. P. Richardson.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of April, 1967.

S. R. 224 RESOLUTION 35

A JOINT RESOLUTION ENDORSING THE OBSERVANCE OF NATIONAL LIBRARY WEEK.

WHEREAS, the week of April 16-22 has been designated as National Library Week by the National Book Committee, the American Library Association, and the North Carolina Library Association; and

WHEREAS, libraries are vital institutions that provide for the informational needs of citizens of any age and whatever occupation or level of educational attainment; and

WHEREAS, the total development of North Carolina is predicated upon the fullest development and use of its libraries of all kinds:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the North Carolina General Assembly endorse the observance of National Library Week and recommend observance of it to the citizens of North Carolina who should consider well the great value of their libraries of every kind and dedicate themselves anew to the improvement of them.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of April, 1967.

H. R. 500

RESOLUTION 36

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD T. SANDERS.

WHEREAS, the State of North Carolina and the County of Durham have recently suffered great loss in the untimely death of Richard T. Sanders on March 28, 1967; and

WHEREAS, he was born in Sherman, Texas, and attended Baylor University and came to Durham, North Carolina, in 1936, and enrolled in Duke University Law School, graduating with his Law Degree in 1939; and

WHEREAS, he practiced law in Durham, North Carolina, in the law firm of Edwards and Sanders, and was a member of the Durham County Bar Association and the North Carolina Bar Association; and

WHEREAS, in 1942 he volunteered to serve in the United States Army and was released from active duty after obtaining the rank of Captain in 1945; and

WHEREAS, he later was a member of the North Carolina National Guard, serving as Adjutant, 119th Infantry, 30th Infantry Division, and reached the rank of Major; and

WHEREAS, in 1950 he served on the North Carolina Democratic Executive Committee; and

WHEREAS, he was elected to represent the County of Durham in the General Assembly of 1951 and 1953; and

WHEREAS, he joined the staff of the Attorney General of the State of North Carolina and served as an Assistant Attorney General from 1963 until 1965; and

WHEREAS, he is survived by three fine children, Richard Tatum Sanders, Jr., Brooks Cole Sanders and Melissa Lemuel Sanders, also by two brothers, Dr. J. T. Sanders and Paul H. Sanders:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina does by this Joint Resolution express its appreciation and gratitude for the life and career of Richard T. Sanders, and does by this Resolution declare that in his passing the County of Durham and the State of North Carolina have lost an able, beloved and devoted citizen and public servant.

Sec. 2. The General Assembly of North Carolina extends its deep and sincere sympathy to the members of the family of the late Richard T. Sanders and furnishes them herewith a copy of this Resolution as a memorial of its devotion and respect.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 12th day of April, 1967.

H. R. 507

RESOLUTION 37

A JOINT RESOLUTION COMMEMORATING THE HALIFAX RESOLVES OF APRIL 12, 1776, WHICH AUTHORIZED NORTH CAROLINA DELEGATES IN THE CONTINENTAL CONGRESS TO VOTE FOR INDEPENDENCE.

WHEREAS, the British Government had looked upon the American Colonies as a means to increase revenue; and

WHEREAS, the British Crown ignored the cries from its American Colonists and overburdened American citizens with unnecessary taxation and restriction of freedoms; and

WHEREAS, the Stamp Act was passed by Parliament in 1765, which was a tax on all transactions of legal papers in the colonies; and

WHEREAS, other taxing measures were adopted by the British Government, such as the Townshend Act and the Tea Tax; and

WHEREAS, the Fourth Provincial Congress meeting in Halifax formulated plans to strengthen the position of the people, on April 12, 1776; and

WHEREAS, the date April 12, 1967, will mark the one hundred ninety-first anniversary of the adoption of the significant and far-reaching Halifax Resolves; and

WHEREAS, at this very moment an annual commemoration of this historic event is being celebrated in the Town of Halifax:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That North Carolina, in the Town of Halifax, April 12, 1776, "empowered" the colony's delegates to the Continental Congress, at its meeting in the City of Philadelphia, "to concur with the delegates of the other colonies in declaring independency . . .".

Sec. 2. That North Carolina thereby was the first of all the 13 original colonies to take official action for independence.

Sec. 3. That North Carolina by this action preceded by more than one month similar action by Virginia, which was the second state thus to act.

Sec. 4. That through this action North Carolina forged the first link in a chain of events that led directly to the Declaration of Independence on July 4, 1776.

Sec. 5. That this Resolution shall become a part of the public records of the 1967 Session of the General Assembly and that copies of this Resolution shall be sent to the news media and to any interested groups or individuals, in order that all North Carolinians learn and take pride in the actions of our forefathers in their foresight and patriotic action in striving for independence of the 13 original colonies.

Sec. 6. All laws and clauses of laws in conflict with this Resolution are hereby repealed.

Sec. 7. This Resolution shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. R. 527 **RESOLUTION 38**

A JOINT RESOLUTION RELATIVE TO THE DEATH OF THE HONORABLE ARRIS IDYL FERREE, FORMER REPRESENTATIVE FROM RANDOLPH COUNTY.

WHEREAS, on the 19th day of June, 1965, death claimed the life of the Honorable Arris Idyl Ferree, one of the former members of the General Assembly; and

WHEREAS, this deceased former member served as Representative from Randolph County in the General Assembly of 1925 and 1943; and

WHEREAS, during his life, this distinguished citizen rendered conspicuous service to the legal community of Randolph County, serving as Judge of Recorder's Court for eight years; and

WHEREAS, this distinguished citizen was active in the political life of the State, having run for Congress in 1928 against William C. Hammer and for the U. S. Senate in 1945 against Clyde Hoey, and having been a member of the Republican State Executive Committee.

WHEREAS, the General Assembly desires to show its honor and respect to one who so well served his county and State for many years:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina takes this method of expressing appreciation for the life, service and memory of the Honorable Arris Idyl Ferree, and its deepest sympathy for the members of his family in the great loss sustained by his passing.

Sec. 2. The Secretary of State is hereby directed to prepare and deliver to the Honorable C. Roby Garner, Representative from Randolph County, certified copies of this Resolution in such quantity as may be desired for presentation to members of the family of the Honorable Arris Idyl Ferree.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

S. R. 255 **RESOLUTION 39**

A JOINT RESOLUTION SALUTING THE FEDERAL LAND BANK OF COLUMBIA AND THE FEDERAL LAND BANK ASSOCIATIONS IN NORTH CAROLINA IN RECOGNITION OF THEIR 50th ANNIVERSARY DURING 1967.

WHEREAS, the members of the North Carolina General Assembly have common cause with all who are striving for the advancement of agriculture and the total development of North Carolina; and

WHEREAS, the food producing capacity of our State and Nation promises to become a major weapon for continued progress, peace, and freedom; and

WHEREAS, the availability and sound use of agricultural credit already having done much to contribute to the progress of agriculture in North Carolina and the Nation during the past half century, will strengthen our potential for the future; and

WHEREAS, the establishment of the Federal Land Banks in 1917 created the cornerstone of a farm credit system which stands out as a unique example of farmers, government, and the business community cooperating for the advancement of agricultural productivity and abundance; and

WHEREAS, The Federal Land Bank of Columbia, South Carolina, serving the long-term credit needs of farmers in North Carolina, and the fifteen Federal Land Bank Associations in North Carolina have contributed significantly toward efficiency and progress of our State's agriculture:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the North Carolina General Assembly salutes The Federal Land Bank of Columbia and the Federal Land Bank Associations in North Carolina in recognition of their 50th Anniversary during 1967 and joins with them in their golden anniversary observance which is dedicated to America's Farmers, Providers of Plenty. Be it further resolved that a copy of this Resolution be sent to The Federal Land Bank of Columbia and the fifteen Federal Land Bank Associations serving farmers throughout North Carolina.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

S. R. 256 RESOLUTION 40

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF W. KERR SCOTT, FORMER GOVERNOR AND UNITED STATES SENATOR FROM NORTH CAROLINA.

WHEREAS, The Honorable W. Kerr Scott was born in Haw River on April 17, 1896; and

WHEREAS, W. Kerr Scott excelled himself as a student of agriculture at North Carolina State College and graduated with honors in 1917; and

WHEREAS, he served with distinction in the United States Artillery during World War I; and

WHEREAS, in 1919 he married Mary Elizabeth White; and

WHEREAS, "Miss Mary" became one of the most beloved women this State has ever known; and

WHEREAS, in 1920 W. Kerr Scott became Alamance County Farm Agent; and

WHEREAS, while County Farm Agent he established the largest 4-H Registered Jersey Calf Club in the world; and

WHEREAS, in 1930 W. Kerr Scott became Master of the North Carolina Grange; and

WHEREAS, during his three years of leadership he set a world record for growth of the Grange in North Carolina; and

WHEREAS, President Franklin D. Roosevelt appointed W. Kerr Scott as Regional Director of the newly created Farm Debt Adjustment Administration in a region encompassing seven southern states; and

WHEREAS, in 1936 he was elected to the post of North Carolina Commissioner of Agriculture; and

WHEREAS, during the 11 years in which he held this post he led the Department of Agriculture in fighting against bovine tuberculosis, sponsored establishment of the State Marketing Authority, the "Green Pastures" program, and many other successful ventures in agriculture; and

WHEREAS, in 1947 he received the Progressive Farmer award of "Man of the Year"; and

WHEREAS, in 1948 he was elected to the post of Governor of North Carolina; and

WHEREAS, while Governor he appointed Miss Susie Sharp to the Superior Court of North Carolina, making her the first woman to serve in that capacity; and

WHEREAS, W. Kerr Scott appointed the first Negro ever to serve on the State Board of Education; and

WHEREAS, during Governor Scott's administration 14,810 miles of highways and roads were paved; and

WHEREAS, a public school program providing 8,000 new classrooms, 175 gymnasiums, and 350 lunchrooms was established; and

WHEREAS, during his administration there were installed 31,000 rural telephones, and 153,000 new electric service connections in rural areas; and

WHEREAS, there occurred the construction of modern port facilities at Morehead City and Wilmington; and

WHEREAS, there were 4,406 additional hospital beds in 73 of the State's 100 counties; and

WHEREAS, in 1950 he received the North Carolina State Grange award of "Man of the Year"; and

WHEREAS, in 1954 he was elected to the United States Senate from North Carolina; and

WHEREAS, he held that seat with distinction until his death on April 16, 1958:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina herewith expresses its deep appreciation and gratitude for the impact—spiritual, moral, material, and even political—that this restless, vision-endowed farmer-statesman has made on the future of his native North Carolina, which he visualized as forever going forward.

Sec. 2. The Secretary of State is hereby directed to prepare and deliver certified copies of this Resolution to Mrs. Mary Scott, Lieutenant Governor Robert Scott, Senator Ralph Scott, and other members of the family.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. R. 463 **RESOLUTION 41**

A JOINT RESOLUTION REQUESTING THE SECRETARY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE TO RECOMMEND PAY RAISES FOR TOBACCO INSPECTORS.

WHEREAS, the period of employment for tobacco inspectors has been reduced drastically, resulting in a loss of pay; and

WHEREAS, the reduction in the period of employment and pay has resulted in an excessive number of resignations and retirements of experienced tobacco inspectors; and

WHEREAS, it has become difficult to maintain a competent inspection staff under existing conditions and there is an increasing need for competent inspectors:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly of North Carolina do hereby request the Secretary of the United States Department of Agriculture to recommend to the United States Civil Service Commission that a premium pay raise be granted to all grades of tobacco inspectors, from grades GS-5 through GS-13.

Sec. 2. That a copy of this Resolution shall be certified by the Secretary of State and forwarded to the Secretary of the United States Department of Agriculture.

Sec. 3. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of April, 1967.

H. R. 488 **RESOLUTION 42**

A JOINT RESOLUTION URGING THE SCHOOLS AND NEWS MEDIA OF NORTH CAROLINA TO PROMOTE ANTI-LITTER CAMPAIGNS.

WHEREAS, North Carolina's natural scenic beauty is one of the greatest assets of our State and is enjoyed by our own residents as well as our tourist visitors; and

WHEREAS, the State and its citizens must recognize that North Carolina has a substantial interest in maintaining the beauty of its streets, highways, countryside, and public places; and

WHEREAS, the beauty of our State and its urban areas is noticeably marred by the increasing amount of litter which is being carelessly strewn along our roadways and elsewhere; and

WHEREAS, this evidence of indifference and lack of concern on the part of our population is likely to continue until we have found ways of changing basic attitudes toward keeping our State litter-free; and

WHEREAS, such basic attitudes can be formed and changed most successfully over the years by appealing to our young people in the public schools; and

WHEREAS, the combined forces of radio, television, and newspapers of this State emphasizing and reminding the public of all ages of the importance of proper trash disposal can have a great influence:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the public elementary and secondary schools of the State of North Carolina are urged to conduct anti-littering campaigns under school sponsorship and to emphasize in their school program the importance of a universal effort to keep our streets, highways, countryside, and public places neat, free from litter, and a credit to our State and its people.

Sec. 2. That all public news media of the State are urged to continue and intensify their effort to this same end.

Sec. 3. That a copy of this Resolution be transmitted by the Secretary of State to the superintendent of schools of each public school district in the State of North Carolina and to each newspaper, radio, and television station in the State.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

S. R. 288 RESOLUTION 43

A JOINT RESOLUTION HONORING THE MEMORY OF WILLIAM B. WHITLEY.

WHEREAS, William Beverly Whitley was born in Benson, Johnston County, North Carolina, on February 25, 1927, one of seven children of the late William B. Whitley and Mrs. Lela Whitley, now living in Greenville, North Carolina; and

WHEREAS, Bill Whitley died on April 10, 1967, at the age of 40 at his home in Silver Spring, Maryland, leaving his wife Lois and their three young children, Lyn, David and Ann; and

WHEREAS, he was buried in Chapel Hill on April 14; and

WHEREAS, Bill Whitley grew up in Johnston County, studied at Duke University and later was graduated in journalism from the University of North Carolina at Chapel Hill; and

WHEREAS, during World War II he served in the United States Navy, returning to North Carolina after the War as a reporter for the Durham Morning Herald; and

WHEREAS, he took a leave of absence from his newspaper work to serve as publicist and political strategist in the successful primary campaigns of William B. Umstead for Governor in 1952 and W. Kerr Scott for the United States Senate in 1954; and

WHEREAS, in November, 1954, he went to Washington as press secretary for Senator Scott and on Senator Scott's death in 1958 stayed on as executive secretary to Senator B. Everett Jordan, handling with skill and distinction matters of legislation and press relations; and

WHEREAS, Bill Whitley assisted President Johnson in his campaign for the Vice Presidency in 1960 and then was called for special campaign services to the President in 1964 and was Staff Director for the President's inauguration in 1964; and

WHEREAS, Bill Whitley served the State of North Carolina with dedication and distinction and his service to Senators Scott and Jordan in Washington, D. C., received warm praise and in performing this service he became one of North Carolina's most capable and loyal representatives in Washington:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That in the death of William B. Whitley, the United States and the State of North Carolina have lost an outstanding citizen and an able public servant.

Sec. 2. That a copy of this Resolution be spread upon the minutes of both the Senate and House of Representatives and that a copy of this Resolution shall be duly certified by the Secretary of State and by him transmitted to the family of Bill Whitley.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 21st day of April, 1967.

S. R. 344 RESOLUTION 44

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MRS. CHARLES W. STANFORD OF REDFIELDS, ROUTE 1, CHAPEL HILL, NORTH CAROLINA.

WHEREAS, the General Assembly has learned with regret of the death on April 24, 1967, of Mrs. Charles W. Stanford, mother of Representative Donald M. Stanford; and

WHEREAS, Mrs. Stanford, the former Mary Wilcox McIver, was a member of one of Orange County's oldest and most prominent families, a family close to the University of North Carolina and to the people of Orange County; and

WHEREAS, Mrs. Stanford rendered distinguished service to her State and county as a member for fourteen years of the Board of Trustees of the Consolidated University of North Carolina; as State Campaign Chairman in charge of the Woman's Division of Governor W. Kerr Scott's successful campaign for United States Senate; as Chairman of the Orange County Democratic Executive Committee and as a member of the Health Affairs Committee of the North Carolina Memorial Hospital at Chapel Hill; and

WHEREAS, Mrs. Stanford has served as State President of the Daughters of the Colonial Wars; as State Corresponding Secretary of the Daughters of the American Revolution; as State Vice President of the Daughters of American Colonists; as a former regent of the Davie Poplar Chapter of the Daughters of the American Revolution and as treasurer of the State Officers Club of this organization; and

WHEREAS, Mrs. Stanford, a graduate of the University of North Carolina at Greensboro, devoted the early years of her life to teaching in the public schools of Orange County, wherein she was beloved by students and parents alike; and

WHEREAS, the General Assembly would join Mrs. Stanford's host of friends and admirers in paying tribute to this beloved and distinguished lady:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina does hereby express its profound appreciation for the life and services of Mrs. Charles W. Stanford as a devoted and unselfish public servant and distinguished lady, and this General Assembly does hereby extend its sympathy to her family for their great loss.

Sec. 2. This Resolution shall become a part of the public record of the 1967 Session of the General Assembly of North Carolina and a copy shall be duly certified by the Secretary of State and forthwith transmitted to the family of Mrs. Charles W. Stanford.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

S. R. 346 RESOLUTION 45

A JOINT RESOLUTION TO COMMEMORATE DISTRICT 37 NORTH CAROLINA STATE TOASTMASTERS AND TOASTMASTERS INTERNATIONAL, AND TO PROCLAIM TOASTMASTERS WEEK.

WHEREAS, Toastmaster International is a nonpartisan, nonprofit, educational organization of more than 3500 member clubs in counties and territories throughout the free world; and

WHEREAS, Toastmasters Clubs are designed to provide members with opportunities to improve themselves in public speaking, analytical listening, presiding at meetings and in developing executive abilities; and

WHEREAS, thousands of toastmasters regularly volunteer to speak for community service; and

WHEREAS, men who can communicate effectively are assets to their community, state and nation; and

WHEREAS, during the past 42 years more than one million men have benefitted from the Toastmasters program of "Better Listening, Thinking, Speaking"; and

WHEREAS, the Toastmasters Clubs of District 37, which contains all of North Carolina and have over 1200 members are holding their district conference in the City of Asheville on the 5th, 6th and 7th of May, 1967:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the week of May 1 through May 7 be proclaimed as Toastmasters Week in and for the State of North Carolina.

Sec. 2. That this Resolution call upon all citizens of this State to recognize the good work being done by Toastmasters in this State and throughout the world.

Sec. 3. That a copy of this Resolution be duly transmitted to Larry Bietel, President, Toastmasters, International.

Sec. 4. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 2nd day of May, 1967.

S. R. 427 RESOLUTION 46

A JOINT RESOLUTION OF COMMENDATION AND CONGRATULATION TO THE CITY OF ROCKY MOUNT ON THE OCCASION OF ITS CENTENNIAL CELEBRATION.

WHEREAS, the City of Rocky Mount was founded in the year of our Lord 1867; and

WHEREAS, the City of Rocky Mount has experienced, and promises to continue experiencing, growth in area, culture, population, education, and industry; and

WHEREAS, the citizens of North Carolina and their Representatives in the General Assembly are proud of the City of Rocky Mount and its history of growth and wish to properly commend the city on the occasion of its centennial celebration:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly takes pride in the City of Rocky Mount, its history of growth, and its contributions to North Carolina.

Sec. 2. The General Assembly, on behalf of all North Carolinians, extends to the City of Rocky Mount its commendation and congratulations on the 100th anniversary of its charter, to be recognized the week of May 20-27 in "Centennial Celebration Week," and calls this observance to the attention of all the people of North Carolina with the hope that they will join with the citizens of Rocky Mount in the celebration.

Sec. 3. The Secretary of State shall cause a copy of this Resolution to be sent to the Mayor of the City of Rocky Mount.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 10th day of May, 1967.

S. R. 432 RESOLUTION 47

A JOINT RESOLUTION TO EXPRESS DEEP APPRECIATION AND TO PAY HIGHEST TRIBUTE TO THOSE NORTH CAROLINIANS WHO HAVE GIVEN THEIR LIVES IN VIET NAM.

WHEREAS, thousands of North Carolinians have fought and are fighting in the war in Viet Nam; and

WHEREAS, these men have distinguished themselves in the field of battle; and

WHEREAS, these North Carolinians have truly shown courage far and beyond the call of duty; and

WHEREAS, these men have given their utmost service any man can give to his Country; and

WHEREAS, a grateful State should express its appreciation and gratitude to these brave ones for the heroic services rendered by them in all branches of the service:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the people of North Carolina express their deepest regret for the loss of these great North Carolinians.

Sec. 2. That their death and the future deaths of all North Carolinians who perish in the service of their Country shall not be in vain.

Sec. 3. That a grateful people express their appreciation to these, her greatest sons.

Sec. 4. That the Governor of North Carolina be authorized to obtain a list of names of the men and women of North Carolina who have died in the battlefields of Viet Nam, and to send to each of their widows or next of kin a certificate of appreciation for their service in behalf of our Country. This certificate is to bear the stamp of the Great Seal of the State of North Carolina. This practice is to be continued until the war in Viet Nam ends.

Sec. 5. The General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina, and that a copy of this Resolution, duly certified, be transmitted to the Governor of North Carolina and shall accompany the certificate of appreciation sent to these Tar Heel families.

Sec. 6. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 11th day of May, 1967.

H. R. 966 RESOLUTION 48

A JOINT RESOLUTION SUPPORTING THE ACTION OF THE GOVERNOR IN OPPOSING, ON BEHALF OF THE STATE OF NORTH CAROLINA, THE LOSS OF RECREATIONAL VALUES AT THE PROPOSED BLUE RIDGE PROJECT IN ASHE AND ALLEGHANY COUNTIES IN ORDER TO PROVIDE DILUTION OF POLLUTED WATERS IN WEST VIRGINIA.

WHEREAS, Appalachian Power Company has filed a petition before the Federal Power Commission requesting a license to construct two dams on New River in the State of Virginia, about six miles down the river from the Virginia-North Carolina State Line, the water in the lower impoundment to be pumped back into the upper impoundment during the hours of minimum demand for power, which will maintain a water level in the upper lake at an altitude of about 2487.6 feet with very little fluctuation; and

WHEREAS, said upper lake or impoundment extends approximately thirty-five miles up New River from the upper dam, taking in all of New

River in Alleghany County, North Carolina, and extending five or six miles into Ashe County, North Carolina; and

WHEREAS, said development, if constructed and maintained in accordance with the petition of Appalachian Power Company, would be a tourist and recreation attraction of inestimable monetary and human value to the people of Alleghany County and the people of North Carolina generally, especially in the Piedmont, the said lake being within easy driving distance of Mount Airy, Elkin, Reidsville, Winston-Salem, North Wilkesboro, High Point, Greensboro, Salisbury, Statesville, Charlotte and other Piedmont cities and towns; and

WHEREAS, the U. S. Department of the Interior has intervened in said proceedings and has asked the Federal Power Commission to require Appalachian Power Company to provide storage of five hundred thousand acre feet of water to be used for pollution control on the lower Kanawha River at Charleston, West Virginia, a distance of one hundred eighty miles down the river, thereby making this section of northwest North Carolina a great water closet to flush out the pollution in the Kanawha River Valley in West Virginia; and

WHEREAS, said petition of the Department of the Interior would cause a vertical drawdown of forty-three feet in the water level in said impoundment and would destroy the recreation and tourist value of said project to the people of North Carolina, especially the people of Alleghany County and the people in the Piedmont section, for the benefit of the people in the State of West Virginia; and

WHEREAS, Governor Moore has heretofore requested the Attorney General of the State of North Carolina to intervene in said proceedings in the name of the State of North Carolina and protest this destruction of this valuable natural resource of our State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the proposed use of New River Valley in northwestern North Carolina for the benefit of the people in West Virginia would cause a great and perpetual loss to the people of North Carolina, especially the people of the northwest section of the State.

Sec. 2. That we do solemnly and vigorously protest any appropriation of the natural resources of the northwestern section of our State for the benefit of the people on the lower Kanawha River in the State of West Virginia.

Sec. 3. That we commend Governor Moore for his prompt and vigorous action in this matter and endorse the protest filed by the Attorney General.

Sec. 4. That copies of this Resolution be filed with the Federal Power Commission, with the U. S. Department of the Interior, Appalachian Power Company of Roanoke, Virginia, and all members of the United States Senate and the United States House of Representatives from North Carolina.

In the General Assembly read three times and ratified, this the 12th day of May, 1967.

H. R. 1023 **RESOLUTION 49**

A JOINT RESOLUTION COMMENDING THE CELEBRATION OF LAW APPRECIATION DAY IN EDGECOMBE COUNTY.

WHEREAS, there has been extended to the members of the General Assembly an invitation to attend Law Appreciation Day in Edgecombe County, at Tarboro, at 7:30 p.m. on May 25, 1967; and

WHEREAS, it is necessary that the people remain ever vigilant to guard and keep before them the basic rights and principles provided by our government under law; and

WHEREAS, it is the genius of our system of government that we live by principles of law and justice; and

WHEREAS, these fundamental principles should be matters of public interest and concern, and should not be left only to the atmosphere of the courtroom, but should be a part of the daily lives of the people:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the members of the House of Representatives and the Senate commend the celebration of Law Appreciation Day in Edgecombe County, and urge the attendance of the members at that celebration.

Sec. 2. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. R. 1024 **RESOLUTION 50**

A JOINT RESOLUTION HONORING THE CONTRIBUTIONS OF DR. PAUL A. REID, PRESIDENT OF WESTERN CAROLINA COLLEGE, TO PUBLIC EDUCATION IN NORTH CAROLINA.

WHEREAS, Dr. Paul A. Reid, President of Western Carolina College at Cullowhee, North Carolina, recently announced his retirement effective June 30, 1968; and

WHEREAS, during the tenure of Dr. Reid's presidency, Western Caroline College has achieved remarkable growth, in that enrollment has increased from 600 students in 1949, the year Dr. Reid undertook the duties of his office, to more than 3600 students during 1966-67, and in that the annual operating budget has increased from five hundred thirty thousand dollars ($530,000.00) to five million five hundred thirty thousand dollars ($5,530,000.00), and in that investment in the physical plant of the College has risen from one million seven hundred thousand dollars ($1,700,000.00) to more than twenty-one million dollars ($21,000,000.00); and

WHEREAS, under the leadership of Dr. Reid, Western Carolina College has become a powerful force in the cultural, economic and social life of Western North Carolina, not only in fulfilling its traditional role in the training of teachers, but also in the forging of a strong liberal arts program with graduate degrees in education, English, science and history; and

WHEREAS, for 43 years Dr. Paul A. Reid has served the cause of public education in North Carolina on every level, including positions in

the public schools of Roanoke Rapids, Raleigh, Elizabeth City, and Pilot Mountain, and as Assistant Director of the North Carolina Board of Higher Education; and

WHEREAS, The General Assembly of North Carolina wishes to express its appreciation to Dr. Reid for his years of devoted service to the cause of public education in the State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That Dr. Paul A. Reid is hereby extended the appreciation of this State for his work in the field of public education and for his leadership at Western Carolina College.

Sec. 2. That a copy of this Resolution, duly certified, be sent to Dr. Reid.

Sec. 3. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

S. R. 481 RESOLUTION 51

A JOINT RESOLUTION EXPRESSING APPRECIATION TO THE NORTH CAROLINA CENTER FOR EDUCATION IN POLITICS AND TO THE STATE LEGISLATIVE INTERNS.

WHEREAS, the North Carolina Center for Education in Politics, in cooperation with North Carolina State University and its Department of Politics, has sponsored a group of ten State Legislative Interns during the present Legislative Session; and

WHEREAS, these interns, in addition to carrying a specially prescribed academic program, have given a total of several thousand hours to the performance of duties assigned to them by the presiding officers, committee chairmen, and by individual members of the Senate and House of Representatives; and

WHEREAS, these interns are now completing their semester at North Carolina State University and preparing to return to the several campuses from which they came, or to assume other responsibilities:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The General Assembly of North Carolina expresses its thanks and appreciation to Anne W. White of Duke University, to Grova L. Bridgers of North Carolina College, to Kenneth G. Burlock, Jr., of Pembroke State College, to Charles C. Caskey of Wake Forest College, to Hiram J. Cuthrell, Jr. and Sam E. Ewell, Jr., both of the University of North Carolina at Chapel Hill, and to Michael F. Bianchi, Myron L. Cauble, Jr., Luis Salas, and Helyn Lynn Watson, all of North Carolina State University, for the assistance they have rendered during this present Session.

Sec. 2. The General Assembly also expresses its appreciation to the North Carolina Center for Education in Politics for supplying the scholar-

ships that made this program possible, and especially to the Director of the Internship Program, Dr. Preston W. Edsall, and his colleagues at North Carolina State University.

Sec. 3. A copy of this Resolution shall be furnished to each intern, to the Presidents or Chancellors of each institution named above, to Dr. Donald R. Matthews, Director of the North Carolina Center for Education in Politics, and to Dr. Preston W. Edsall, Head of the Department of Politics at North Carolina State University and Director of the Internship Program.

Sec. 4. This Resolution shall be in full force and effect from and after it adoption.

In the General Assembly read three times and ratified, this the 18th day of May, 1967.

H. R. 1044

RESOLUTION 52

A JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, AND OUR SISTER STATES TO ASK THE CONGRESS OF THE UNITED STATES TO REPEAL THE TAX EXEMPT STATUS OF CERTAIN INDUSTRIAL REVENUE BONDS.

WHEREAS, the General Assembly of the State of North Carolina has enacted legislation whereby the State of North Carolina joins 35 other states in the authorization of the issuance of industrial revenue bonds; and

WHEREAS, many members of the General Assembly, as well as public officials in North Carolina, realizing that North Carolina cannot stand alone, endorsed the enactment of such legislation, but did so reluctantly as a defensive measure and with reservations; and

WHEREAS, the use of this type of inducement has lost practically all positive effectiveness since a large majority of the states now offer these industrial revenue bonds resulting in it not being a competitive tool:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly does hereby memorialize President Lyndon B. Johnson and the 49 other states of the United States to request the Congress of the United States, by appropriate legislation, to make the interest received by the owners of so-called industrial revenue bonds hereafter issued subject to all applicable federal income tax laws.

Sec. 2. That the Secretary of State shall cause the President of the United States and the Governors of the various states to receive certified copies of this Resolution.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 19th day of May, 1967.

S. R. 290 **RESOLUTION 53**

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY EXISTING JAIL CONDITIONS AND RELATED PROBLEMS OF STATE AND LOCAL GOVERNMENT.

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created a Commission to be known as the Jail Study Commission. The Commission shall consist of two members who shall be appointed by the Governor; two members who shall be appointed by the President of the Senate from the membership of the Senate; two members who shall be appointed by the Speaker of the House of Representatives from the membership of the House; and the President (or their duly designated representatives) of the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the North Carolina Sheriffs' Association, the North Carolina Police Executives Association, and the Medical Society of North Carolina. The Governor shall designate one of his appointees as chairman of the Commission.

Sec. 2. It shall be the duty of the Commission herein created to make a detailed study of existing conditions in local jails and other local confinement and detention facilities in the State with a view to improving the quality of jail administration so that such facilities may provide for the safe custody and humane treatment of offenders and promote their rehabilitation insofar as practicable. The Commission shall also consider the following problem areas: (1) the economic and other practical problems involved in maintaining adequate local confinement facilities under the existing county and municipal jail systems, and possible solutions; (2) the use of local jails for non-criminal types of persons such as alcoholics, mental patients and children; (3) the proper roles of State and local government in jail administration, including the departmental responsibility for jail inspection, consultation and other services at the State level; (4) lack of adequate juvenile detention facilities for children who are awaiting Juvenile Court action; (5) and such other problem areas as the Commission may identify related to jail administration.

Sec. 3. Immediately after its appointment, the Commission shall meet at a time and place designated by the chairman and shall elect a secretary. The Commission shall meet at such other times as the chairman may designate. The Commission, with the approval of the Governor, is authorized to employ such clerical help and other assistance as it may deem necessary to carry out the purposes for which the Commission is created. Per diem, subsistence and travel allowances incurred by the members of the Commission shall be the same as is allowed State boards and commissions generally. Expenses incurred in the employment of clerical help and other assistance and per diem, subsistence and travel allowances incurred by the members of the Commission shall, with the approval of the Governor and Council of State, be paid out of the State Contingency and Emergency Fund.

Sec. 4. Within one week after the convening of the 1969 Session of the General Assembly, the Commission shall make a report of its findings

and recommendations to the General Assembly with respect to all matters relating to the subjects of study herein set forth.

Sec. 5. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of May, 1967.

S. R. 570 **RESOLUTION 54**

A JOINT RESOLUTION HONORING DR. LESLIE HARTWELL CAMPBELL UPON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF CAMPBELL COLLEGE.

WHEREAS, Dr. Leslie Hartwell Campbell is this year retiring as President of Campbell College; and

WHEREAS, Dr. Campbell has served Campbell College continuously since 1920 when the school was known as Buies Creek Academy; and

WHEREAS, Dr. Campbell was named Dean of the school when it became Campbell College in 1926 as a Junior College owned by the North Carolina Baptist State Convention; and became President in 1934 upon the death of his father, the Reverend James Archibald Campbell, who was the school's founder and first President; and

WHEREAS, in the depression year of 1934 the enrollment of the school was 312 and those bitter years saw great hardship and privation to the extent that the College often took vegetables and other farm produce in payment of fees. Soon afterwards, the College endured the years of World War II when the men of the country were unable to pursue a college education and the years after the War when the flood of returning veterans overcrowded schools seemingly beyond all reasonable capacity. Through these years, under the leadership of Dr. Campbell the school has continually grown so that in 1967 the student body consists of over 2,000 persons and the physical plant has grown to match this increase in enrollment. The school is now an accredited four-year college and as such is the third largest private college in North Carolina; and

WHEREAS, Dr. Campbell has worked constantly and tirelessly to achieve this growth and to further the cause of education and through his efforts many students have received the benefits of higher education when they would otherwise have been denied this privilege; and

WHEREAS, he is recognized as an outstanding educator and was the founding President of the Association of Eastern North Carolina Colleges; and

WHEREAS, he is a devoted family man, a strong participant in civic affairs and an active Baptist layman who has served as Moderator of the Little River Association for 17 years:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Upon the occasion of his retirement, the North Carolina General Assembly expresses appreciation for the services of Dr. Leslie Hartwell Campbell to Campbell College and to the people of North Caro-

lina, and congratulates him for his outstanding achievements as President of Campbell College and a strong contributor to the cause of higher education.

Sec. 2. A copy of this Resolution, duly certified, shall be transmitted by the Secretary of State to Dr. Campbell.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

H. R. 1192 **RESOLUTION 55**

A JOINT RESOLUTION HONORING THE ROCKY MOUNT SENIOR HIGH BLACKBIRDS AS CHAMPIONS OF THE STATE CLASS 4-A BASEBALL LEAGUE.

WHEREAS, on Saturday, May 27, 1967, despite the handicaps of a sore-armed pitcher, a crippled first baseman and a catcher who was injured during the course of the game and was forced to sit on the bench a few innings, the Blackbirds of Rocky Mount Senior High by a score of 4 to 1 proved themselves indeed to be the State Class 4-A champs; and

WHEREAS, the courage and sportsmanship of the Blackbirds has been demonstrated similarly in every game this season; and

WHEREAS, due to the fine coaching of Dale Tompkins, the Blackbirds had a fine season which thrilled the Rocky Mount crowds who turned out for the games; and

WHEREAS, the Blackbirds were sparked in their winning game by the fine pitching of Sonny Robinson, the great hitting and inspirational leadership of injured first baseman Gus Roberson and the fine plays of right fielder Tommy Cox, second baseman Doug Roberson, left fielder Hargrove, Tony Bossolono in center field, Tommy Rackley at third base and Tony Davis at shortstop. Coaching services were rendered in fine manner by Butch Barbee and the injured Frank Layton; and

WHEREAS, these boys and their coach bring honor to the City of Rocky Mount and by their fine attitude, sportsmanship and example cause their State to be genuinely proud:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the Blackbirds of Rocky Mount Senior High are to be commended and honored by all North Carolinians.

Sec. 2. That a copy of this Resolution be duly certified by the Secretary of State and sent to Rocky Mount Senior High School.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 31st day of May, 1967.

S. R. 268

RESOLUTION 56

A RESOLUTION URGING THE MANUFACTURERS OF BOATS TO ACCEPT RESPONSIBILITY FOR DETERMINING THE SAFE CAPACITIES OF THEIR RESPECTIVE PRODUCTS AND TO PLACE CAPACITY PLATES ON ALL NEW BOATS.

WHEREAS, numerous fatal accidents have been caused in this and other states by the swamping or capsizing of boats due to loading the same beyond their safe capacities; and

WHEREAS, such overloading frequently is the result of insufficient knowledge on the part of the operators thereof as to the safe loading limits of the particular boats; and

WHEREAS, the manufacturers of boats are best in the position of determining and knowing the safe loading limits of their products and the optimum weight and horsepower of the mechanical equipment which should be used to propel such boats; and

WHEREAS, some boat manufacturers now affix capacity plates to their boats indicating the maximum safe loading limits under normal conditions and the recommended horsepower of the motors which should be used in conjunction therewith; and

WHEREAS, such capacity plates are a valuable contribution to the safety of the boating public and should be used by all boat manufacturers as a public safety measure:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That all manufacturers of boats be, and they are hereby, urged to accept the responsibility determining the safe loading capacity of each boat manufactured by them and the horsepower of the motors which are recommended to be used therewith.

Sec. 2. That each manufacturer affix to each new boat, at a location visible from the operator's position, a durable plate indicating the maximum recommended loading capacity for such boat, under normal operating conditions, and the range of horsepower of the motors which are recommended by such manufacturer for use therewith.

Sec. 3. Upon adoption of this Resolution, the Secretary of State shall forward certified copies thereof to the Executive Director of the Outboard Boating Club of America and the Boating Industry Association and to all boat manfacturers with plants located within this State.

Sec. 4. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 1st day of June, 1967.

S. R. 506

RESOLUTION 57

A JOINT RESOLUTION DESIGNATING JUNE 14 AS FLAG DAY IN NORTH CAROLINA.

WHEREAS, on June 14, 1775, the United States Congress adopted a flag for the United States; and

WHEREAS, in celebration of this event many states observe June 14 as "Flag Day"; and

WHEREAS, this State and its people also wish to show their respect for and devotion to our Nation's flag:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. June 14 is hereby designated as "Flag Day" in North Carolina.

Sec. 2. The General Assembly recommends to all the citizens of North Carolina that they observe "Flag Day" on June 14 by displaying our Nation's flag and by other appropriate means.

Sec. 3. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. R. 262 RESOLUTION 58

A JOINT RESOLUTION DIRECTING THE GOVERNOR'S COORDINATING COUNCIL ON AGING TO MAKE A STUDY CONCERNING EFFECTS OF TAXATION ON SENIOR CITIZENS IN NORTH CAROLINA.

WHEREAS, because of its concern for the problems and opportunities of senior citizens in North Carolina, the 1965 General Assembly created the Governor's Coordinating Council on Aging as a statutory council; and

WHEREAS, one of the purposes of the Council is to study, collect, maintain, publish and otherwise disseminate factual data and pertinent information relative to all aspects of aging, including economic needs and opportunities; and

WHEREAS, many of our senior citizens have suggested that a current study be made concerning the effects of State and local taxation of senior citizens in North Carolina; and

WHEREAS, it appears that a thorough study of this matter would be helpful to the General Assembly and in the best interest of the State of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor's Coordinating Council on Aging is directed to make a thorough study of the effects of State and local taxation upon the senior citizens of North Carolina. Such study shall include, but shall not be limited to, a consideration of those tax laws, if any, which create a financial burden to the senior citizens, and a comparison of State and local tax laws with those of other states as they apply to senior citizens. The Council will include its findings together with any recommendations it may deem advisable in its biennial report required by G. S. 143-283.22 or by other report so as to make the same available to the 1969 General Assembly.

Sec. 2. This Resolution shall become effective on its adoption.

In the General Assembly read three times and ratified, this the 6th day of June, 1967.

H. R. 1284 RESOLUTION 59

A JOINT RESOLUTION AUTHORIZING THE SPEAKER OF THE HOUSE AND THE LIEUTENANT GOVERNOR TO APPOINT A MEMBER OF THE HOUSE AND SENATE FROM BUNCOMBE COUNTY TO ATTEND CEREMONIES AT THE REEMS CREEK VALLEY BIRTHPLACE OF ZEBULON VANCE.

WHEREAS, surviving sons and daughters of Confederate veterans now resident in Western North Carolina have been invited by Asheville Camp No. 15, S. C. V., to assemble on Saturday, June 17, 1967, at the Reems Creek Valley birthplace of Zebulon Vance for a program honoring them and the treasured memory of their warrior fathers, and

WHEREAS, the North Carolina Legislature applauds this patriotic action of Camp No. 15 and desires to join in the tribute which will be paid to the distinguished guests:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That a member of the House of Representatives from Buncombe County and a member of the Senate from Buncombe County be designated by the presiding officers of the House and Senate to represent this body at the June 17 ceremony, and convey to the guests there assembled the Legislature's greetings and felicitations.

Sec. 2. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

S. R. 540 RESOLUTION 60

A JOINT RESOLUTION AUTHORIZING AND DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WAYS AND MEANS OF PROVIDING MORE MEDICAL DOCTORS FOR SMALL TOWNS AND COMMUNITIES.

WHEREAS, the State of North Carolina acknowledges its concern for its citizens and strives to maintain vigilance over matters pertaining to their health through constant research, through the establishment of medical facilities, and by retaining personnel to carry out its programs; and

WHEREAS, North Carolina is fortunate to have within its bounds three accredited four-year medical schools; and

WHEREAS, said schools each year are graduating medical doctors and other skilled personnel well qualified to render ample medical services to our people; and

WHEREAS, the number of physicians establishing practice in smaller towns and communities of North Carolina diminishes progressively so that

many towns and communities do not now enjoy adequate medical personnel and anticipate no better prospects for the future; and

WHEREAS, the General Assembly recognizes its responsibility to all of the citizens of North Carolina and sees its duty to assist them in rectifying this situation as soon as possible:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby authorized and directed to conduct an in-depth study regarding ways and means of obtaining and/or providing greater numbers of medical doctors for smaller towns and communities of North Carolina.

Sec. 2. The Legislative Research Commission shall report its findings and recommendations, and propose legislation to answer the needs herein stated to the 1969 General Assembly.

Sec. 3. This Resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 13th day of June, 1967.

H. R. 1316 RESOLUTION 61

A JOINT RESOLUTION HONORING THE NORTH DAVIDSON HIGH SCHOOL BLACK KNIGHTS AS WINNERS OF THE CLASS 2-A BASEBALL CHAMPIONSHIP.

WHEREAS, despite the loss of the opening game, the Black Knights of North Davidson High School won the North Carolina Class 2-A Baseball Championship, thus earning the distinction of winning the coveted title two years in a row; and

WHEREAS, the Black Knights completed an outstanding 1967 season with a record of 20 wins and 5 losses under the capable leadership of Coach Pete Jones, Assistant Coach Ernest Kirby, and Don Palmer, Athletic Director; and

WHEREAS, the Black Knights have displayed a fine attitude of good sportsmanship throughout the season:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly herewith congratulates and expresses its admiration of the 1967 North Davidson Black Knights for its victory in the Class 2-A Baseball Championship.

Sec. 2. The Secretary of State shall cause certified copies of this Resolution to be sent to Coach Pete Jones and the Principal of North Davidson High School, James O. Teal.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

S. R. 668 **RESOLUTION 62**

A JOINT RESOLUTION CONGRATULATING MISS SARAH ELIZABETH STEDMAN OF ASHEBORO UPON HER SELECTION AS MISS NORTH CAROLINA OF 1968.

WHEREAS, Miss Sarah Elizabeth Stedman, 22-year-old, blue-eyed blonde from Asheboro in Randolph County, has been chosen from among 84 contestants as the loveliest, most talented young lady in all of North Carolina; and

WHEREAS, Miss Stedman, a 5 foot 8, 126 pound senior at Guilford College, has been selected to wear the crown of "Miss North Carolina" for the year 1968; and

WHEREAS, Miss Stedman, with her gracious charm and beauty, serves as a proud tribute to her parents, Mr. and Mrs. W. D. Stedman, Lexington Road, Asheboro, and to her sponsoring organization, the Asheboro Junior Chamber of Commerce; and

WHEREAS, Miss Stedman stands as a sterling, talented example of southern womanhood and, if chosen "Miss America", would bring credit upon all the women of the United States:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The North Carolina Junior Chamber of Commerce is hereby commended for its selection of Miss Sarah Elizabeth Stedman as "Miss North Carolina" for 1968.

Sec. 2. The General Assembly of North Carolina does hereby offer its praise and congratulations to Miss Stedman, her parents, the Asheboro Junior Chamber of Commerce and the North Carolina Junior Chamber of Commerce; and does hereby convey to the Board of Judges of the Miss America contest the recommendation that Miss Sarah Elizabeth Stedman be given every consideration for the title of "Miss America", believing that she would wear the crown with grace and dignity and would bring great credit upon her State and Nation.

Sec. 3. Copies of this Resolution shall be certified by the Secretary of State and forwarded to Miss Sarah Elizabeth Stedman, her parents, the President of the Asheboro Junior Chamber of Commerce, and to the President of the North Carolina Junior Chamber of Commerce.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

H. R. 1352 **RESOLUTION 63**

A JOINT RESOLUTION CONCERNING JOSEPH DEWESE ROSS, FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES FROM RANDOLPH COUNTY.

WHEREAS, Joseph Dewese Ross died July 26, 1966; and

WHEREAS, Joseph Dewese Ross did ably represent Randolph County in the General Assemblies of 1939 and 1941; and

WHEREAS, from 1919 to 1921 he was a member of the Board of Commissioners of the Town of Asheboro; and

WHEREAS, from 1921 to 1923 he served as Mayor of the Town of Asheboro; and

WHEREAS, from 1923 to 1926 he was a member of the Asheboro School Board; and

WHEREAS, during World War I he was appointed by President Wilson as Food Administrator for Randolph County; and

WHEREAS, during the depression years of the thirties was named by the Governor as Chairman of the Randolph County Employment Committee; and

WHEREAS, he became associated with the Bank of Randolph at Asheboro, in 1897, and for more than 50 years was an officer and director of the institution; and

WHEREAS, at the time of his death he was a director of Wachovia Bank and Trust Company in Asheboro, it having merged with The Bank of Randolph in 1963; and

WHEREAS, he was a director of the P & P Chair Company, President of the Roswell Farms Corporation, and a partner with his son, J. D. Ross, Jr., in the firm of J. D. Ross and Company; and

WHEREAS, a life-long Democrat, Mr. Ross, was honored by the Randolph County Democratic Executive Committee in October 1965 for his long and faithful work for the advancement of the Democratic party in the county, State and nation, the presentation being made for the committee by the then Senator from this district, the Honorable Robert Morgan; and

WHEREAS, he was a delegate to the National Democratic Convention from the Fourth Congressional District in 1936, and for the past 10 years had been a member of the State Democratic Executive Committee; and

WHEREAS, it is of interest to note that Mr. Ross; his father, Romulus R., and each of his four brothers: Arthur, Charles, Ferree, and George served as members of the North Carolina Legislature; and

WHEREAS, he was a member of the Central Methodist Church of Asheboro, and had been active as a Methodist layman serving on various boards of the local church, annual conference and institutions; and

WHEREAS, he was a charter member and past president of the Asheboro Rotary Club; and

WHEREAS, the General Assembly wishes to record its appreciation of his life and his contributions to the State of North Carolina, and to express its sympathy to his family:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of Mr. Joseph Dewese Ross the State has lost an able, useful and loyal citizen.

Sec. 2. The General Assembly does hereby express its appreciation of Mr. Ross as a devoted public servant and citizen, and does hereby extend its sympathy to his family for the loss of its distinguished member.

Sec. 3. That this Resolution shall become a part of the public record of the 1967 Session of the General Assembly of North Carolina, and a copy shall be duly certified by the Secretary of State, and forthwith transmitted to the family of Mr. Ross.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 15th day of June, 1967.

H. R. 1368 RESOLUTION 64

A JOINT RESOLUTION COMMEMORATING THE COMING OF THE SOCIETY OF FRIENDS (QUAKERS) TO NORTH CAROLINA AND THE FOURTH WORLD CONFERENCE OF FRIENDS (QUAKERS)—GUILFORD COLLEGE, GREENSBORO, NORTH CAROLINA.

WHEREAS, the records show that the first members of the Society of Friends came to North Carolina about 1665 and began to establish meetings and schools and to participate in government in North Carolina; and

WHEREAS, Governor John Archdale, the only Quaker Governor of the Colony or State, arrived in this region in June 1695; and

WHEREAS, the Fourth World Conference of Friends is to be held at Guilford College in Guilford County, July 24-August 3, 1967; and

WHEREAS, the former three Conferences have been held in London, England; Swarthmore, Pennsylvania; and Oxford, England; and

WHEREAS, it is expected that the nine hundred delegates from 36 nations will be in attendance; this number to be augmented by another three to five hundred unofficial delegates; and

WHEREAS, the Secretary General of the United Nations, U Thant, along with other distinguished leaders will be present for this Fourth World Conference of Friends:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina hereby takes note of this Conference and its contributions to the life of the State; and wishes success to the leaders, and all of the members of the Society of Friends of the State of North Carolina.

Sec. 2. The General Assembly directs that a copy of this Resolution become a part of the permanent records of the State of North Carolina, and that a copy of this Resolution, duly certified, be transmitted to the officials of the Fourth World Conference of Friends at Guilford College, Greensboro, North Carolina.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 16th day of June, 1967.

S. R. 699 **RESOLUTION 65**

A JOINT RESOLUTION CONGRATULATING LUTHER HARTWELL HODGES UPON HIS SELECTION AS PRESIDENT OF ROTARY INTERNATIONAL, AND COMMENDING HIM FOR HIS DISTINGUISHED SERVICE TO NORTH CAROLINA AND THE NATION.

WHEREAS, Luther Hartwell Hodges has served North Carolina with distinction and honor as Lieutenant Governor and as Governor; and

WHEREAS, former Governor Hodges made a notable contribution to the growth and prosperity of the United States of America and brought honor to our State while serving as Secretary of Commerce during the administration of President John F. Kennedy and President Lyndon B. Johnson; and

WHEREAS, upon his return from cabinet duty in Washington, D. C. to North Carolina to serve his State as a private citizen in civic, cultural and business affairs, including distinguished leadership as Chairman of the Board of the Research Triangle Park and Foundation; and

WHEREAS, his international acclaim has resulted in his selection as President of Rotary International for the year beginning July 1, 1967:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly extends its congratulations and felicitations to Luther Hartwell Hodges, a distinguished North Carolinian, upon his selection as President of Rotary International, and expresses its gratitude for his continuing service to this State and its people.

Sec. 2. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. R. 451 **RESOLUTION 66**

A JOINT RESOLUTION SEEKING TO CURB AND ABATE THE ADVERTISING PRACTICES OF UNAUTHORIZED INSURERS AND RECOMMENDING THAT THE ADVERTISING MEDIA, THE INSURANCE COMMISSIONER AND THE INSURANCE INDUSTRY FORMULATE A VOLUNTARY PLAN DESIGNED TO CURB CERTAIN ADVERTISING PRACTICES OF UNAUTHORIZED INSURERS.

WHEREAS, the business of insurance is a business vitally touching on and affecting the lives and welfare of the citizens of this State; and

WHEREAS, insurance has become a necessity in many areas of endeavor among the citizens of this State; and

WHEREAS, the insurance industry is largely conducted by licensed insurers dealing through reputable agents, and is a business which is effectively regulated by the insurance commissioners of the several states except as to the affairs of unlicensed and unauthorized companies; and

WHEREAS, despite this fact, there exists in this State today a situation wherein unauthorized insurers transact a substantial volume of business with the citizens of this State, insuring risks and lives within this State; and

WHEREAS, the General Assembly of North Carolina has already declared it to be a subject of concern that many residents of this State hold policies of insurance issued by insurers not authorized to do business in this State; and

WHEREAS, the practices of unauthorized insurers, dealing as they do at long distances with insurers within this State, without being subjected to the regulations designed to protect the insurance consuming public, has led to abuses, has presented difficulty with respect to settling claims and has presented insuperable obstacles to resident insurers asserting rights under such policies; and

WHEREAS, unauthorized insurers enjoy the many benefits and privileges provided by the State of North Carolina to its citizens, corporate and individual, without being responsive to the laws of this State and without paying those taxes applicable to domestic insurers; and

WHEREAS, the business of unauthorized insurers within this State is to a significant extent generated through the use of advertising media, including press, radio, television, and other media, emanated from within this State; and

WHEREAS, through the use of press, radio, television, and other advertising media, unauthorized insurers enjoy a practical immunity from the laws of this State, solicit policies often times by the use of flamboyant, deceptive and misleading advertising by which the policy benefits and the extent of coverage are made to appear attractive and broad; and

WHEREAS, the press, radio, television, and other advertising media in the ordinary course have conducted all their business except advertising from insurers on the assumption that such insurers are authorized to conduct business in this State; and

WHEREAS, it is the sense of the Senate and House of Representatives that many of the abuses and harmful practices of unauthorized insurers could be abated by the voluntary restraint on the part of press, radio, television, and the other advertising media, to accept the advertising of unauthorized insurers:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the representatives of press, radio, television, and other advertising media throughout this State, and the Commissioner of Insurance and his staff, and the representatives of the insurance industry form a committee as soon as is feasible and convenient to work out, if possible, some voluntary agreement or plan whereby the advertising of unauthorized insurers is effectively abated in this State.

Sec. 2. That the Commissioner of Insurance is requested to publish, or cause to be published, periodical bulletins for distribution to press, radio, television, and the other advertising media, which bulletins shall contain a list of those insurance companies authorized by law to do business in this State.

Sec. 3. This Resolution shall become effective July 1, 1967.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. R. 1230 **RESOLUTION 67**

A JOINT RESOLUTION CREATING THE TAX STUDY COMMISSION TO STUDY THE REVENUE STRUCTURE OF THE STATE OF NORTH CAROLINA AND TO MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE 1969 GENERAL ASSEMBLY.

WHEREAS, it is desirable that the tax structure of the State of North Carolina should be studied and reviewed to ascertain whether it meets the tests of stability and equity, gives proper economic incentive to the greater productivity of the citizens and business enterprises of the State, encourages the location of new industry in the State, and makes steady and adequate provision for revenue for the sound and essential purposes of government:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission to be known as The Tax Study Commission for the study of the revenue structure of the State to be composed of nine members and who shall be appointed as follows: three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate and three members shall be appointed by the Speaker of the House.

Sec. 2. It shall be the duty of the Commission to study and review the tax laws of the State, both State and local laws, and to recommend such changes as it may deem advisable in the rates of taxation, together with the predicted revenue effects thereof, together with proposed alternate sources of revenue, to the end that the revenue system may be as stable and equitable as possible, and yet so fair when compared with the tax structure of other states, that business enterprises and persons will be encouraged to locate and expand business in North Carolina.

Sec. 3. Upon its appointment, the Commission shall organize by electing from its membership a chairman and a vice chairman. The Director of Tax Research for the State shall serve as secretary to the Commission, but shall not be a member. The Commission is authorized, with the approval of the Governor, to employ such clerical and other assistants, professional advice and services as may be deemed necessary in the performance of its duties.

Sec. 4. The members of the Commission shall be paid such per diem and travel expenses as are provided for members of State boards and commissions generally. The expenses of the Commission shall be paid from the Contingency and Emergency Fund; provided, however, that total of such expenses of the Commission shall not exceed the sum of thirty thousand dollars ($30,000.00).

Sec. 5. The Commissioner of Revenue and the Director of Tax Research shall make themselves and their staffs available to the Commission.

Sec. 6. The Commission shall submit its report by September 1, 1968, to the Governor for transmittal to the Advisory Budget Commission and the 1969 General Assembly.

Sec. 7. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

S. R. 512 **RESOLUTION 68**

A JOINT RESOLUTION RECOMMENDING INVESTIGATION OF THE PILOT MOUNTAIN AREA FOR POSSIBLE INCLUSION INTO THE STATE PARKS SYSTEM.

WHEREAS, the Pilot Mountain area in Surry County, North Carolina, is an area of natural scenic beauty, as well as an area of historical significance; and

WHEREAS, this area should be carefully investigated as a possible addition to the North Carolina State Parks System so that its benefits may be fully enjoyed by the people of the State:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Department of Conservation and Development, through its State Parks Committee and the Division of State Parks are hereby requested to include Pilot Mountain and surrounding areas in the long-range study for the expansion of the State Parks System and to initiate a study of the area to determine if it has the qualities and characteristics that would qualify it for inclusion into the State Parks System. Upon completion of such study, if the Pilot Mountain area is determined to have the necessary qualities and characteristics to make it worthy of inclusion into the State Parks System, a recommendation is made that the Department of Conservation and Development acquire the Pilot Mountain area as an addition to the State Parks System.

Sec. 2. That this Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.

H. R. 1113 **RESOLUTION 69**

A JOINT RESOLUTION DIRECTING THE GOVERNOR'S COORDINATING COUNCIL ON AGING TO STUDY THE FEASIBILITY OF AN EXEMPTION FROM AD VALOREM TAXATION OF CERTAIN REAL PROPERTY OF PERSONS SIXTY-FIVE YEARS OLD OR OLDER.

WHEREAS, because of its concern for the problems and opportunities of senior citizens in North Carolina, the 1965 General Assembly created the Governor's Coordinating Council on Aging as a statutory council; and

WHEREAS, one of the purposes of the Council is to study, collect, maintain, publish and otherwise disseminate factual data and pertinent information relative to all aspects of aging, including economic needs and opportunities; and

WHEREAS, legislation has been introduced at this Session of the General Assembly which would, if enacted, exempt from ad valorem tax-

ation, to the extent of one thousand dollars ($1,000.00), the principal dwelling place of a resident of this State who is or will be 65 years old, or older, on January 1, 1968; and

WHEREAS, the feasibility of such exemptions, as well as the amount thereof, needs further study;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Governor's Coordinating Council on Aging is directed to make a thorough study of the feasibility of exempting from ad valorem taxation the principal dwelling place of a resident of this State who is 65 years old, or older.

Should it find that such an exemption is feasible and would materially benefit this State's "Senior Citizens", the Council is further directed to recommend to the 1969 Session of the General Assembly the amount of such real property exemption.

Sec. 2. This Resolution shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1967.

S. R. 723 RESOLUTION 70

A JOINT RESOLUTION MEMORIALIZING THE LIFE AND ACHIEVEMENTS OF MRS. MARGARET BERRY STREET.

WHEREAS, the General Assembly of North Carolina deems it fitting and proper to call the attention of the citizens of the State to the life and achievements of Mrs. Margaret Berry Street; and

WHEREAS, she was the first woman to graduate from the Law School at Chapel Hill (1915) and the first woman lawyer to take a case to the North Carolina Supreme Court, which she won. She was the first Vice Chairman of the Mecklenburg Democratic Executive Committee, and the first person in Charlotte to build attractive houses with electric lights and inside plumbing for rent and sale to Negroes. She was the organizing President of the Charlotte Business and Professional Women's Club, and the organizing President of the Charlotte Altrusa Club. During World War I, Mrs. Street was in demand as a Liberty Loan speaker and was acting Secretary and Treasurer of War Camp Community Service in connection with Camp Green at Charlotte. She spent much of 1920 working in selected counties for a new State highway system and in 1921 assisted in lobbying through the General Assembly the Doughton-Connor-Bowie Act that was the beginning of good roads in North Carolina; and

WHEREAS, Mrs. Street practiced law in Charlotte and Asheville from 1916 to 1933 when she became corporate attorney for the Home Owner's Loan Corporation in Washington, D. C. and Atlanta, Georgia. In 1943 she retired from the practice of law to help her husband, Major Street (also an attorney), operate their large farm near Huntersville; and

WHEREAS, she managed the "Women's Campaign Activities" in the campaigns of Governor Angus McLean and Governor J. C. B. Ehringhouse. and was a leader in the presidential campaigns of Alfred Smith and

Franklin D. Roosevelt, and did yeoman service for her friend W. Kerr Scott in his campaigns for Governor and U. S. Senator, and came out of political retirement last year to assist his worthy son in his campaign for Lieutenant Governor; and

WHEREAS, during the 1960's Mrs. Street, through her activities in the Daughters of the American Revolution and the United Daughters of the Confederacy, was instrumental in awarding scholarships and loans from those organizations to 180 young people to help them get a college education; and

WHEREAS, while State National Defense Chairman of the North Carolina Daughters of the American Revolution, she made a speech before a DAR Chapter in Greensboro which was published in the DAR magazine and, in 1962, she was awarded a George Washington Medal for that article by Freedom's Foundation at Valley Forge, "FOR OUTSTANDING ACHIEVEMENT IN BRINGING ABOUT A BETTER UNDERSTANDING OF THE AMERICAN WAY OF LIFE"; and

WHEREAS, members of Mrs. Street's family were active in every American war from the Revolution to World War II, in which she was proud to have her husband serve, and in public life as follows: Her grandfather Berry was a Presidential Elector, a member of the House of Representatives one term, a member of the North Carolina Senate five terms, and a member of the Constitutional Conventions that took the State out of the Union in 1861 and brought it back into the Union in 1865. Her sister, Harriet Morehead Berry, was widely known as "The Mother of Good Roads in North Carolina"; and

WHEREAS, public service was bred into Mrs. Street's bones, and exemplified by her love for her State, her Nation, and her belief in the traditional American way of life. She was deeply religious, and believed that God helps those who help themselves. She lived by the Biblical precept that every one should earn his daily bread by the sweat of his brow; and

WHEREAS, on May 26, 1925 she married Robert B. Street, thus truly uniting their lives as one, and for nearly 42 years they lived and worked together as lovers, partners, and public servants to their State and Nation. In good times and in bad times they walked unswervingly down the path of life with a devotion, a confidence, and a high esteem—each for the other—that is rarely found in life, but of which poets write; and

WHEREAS, Mrs. Street was born November 2, 1891 in Orange County, the daughter of John Berry III and Mary Elizabeth Strayhorn. She is survived by her husband, Robert B. Street, a sister, Mrs. Kent J. Brown of Chapel Hill, a nephew, John Berry IV of Chapel Hill, and a niece, Mary Berry Barnes of San Salvador:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. By this Resolution the General Assembly desires to honor the life and achievements of Margaret Berry Street, and acknowledges her contribution to the welfare of her fellow man, her community, State and Nation.

Sec. 2. That this memorial be spread upon the public records of the General Assembly, and the Secretary of State shall forward certified copies to the members of her immediate family.

Sec. 3. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.

H. R. 1417 RESOLUTION 71

A JOINT RESOLUTION HONORING FRANK W. HANFT FOR HIS SERVICE AS CHAIRMAN OF THE GENERAL STATUTES COMMISSION.

WHEREAS, the Honorable Frank W. Hanft has served as Chairman of The General Statutes Commission from October 6, 1961 until June 3, 1967; and

WHEREAS, he has served as a member of The General Statutes Commission since June 27, 1946, and continues to serve as a member of the Commission; and

WHEREAS, the period of his chairmanship of The General Statutes Commission has been marked by the preparation and enactment into law of many important and progressive statutes, of which the Intestate Succession Act, the Business Corporation Act, the Nonprofit Corporation Act, the Utilities Act, and the Fiduciary Powers Act are but a few; and

WHEREAS, the General Assembly is appreciative of the years of fine work done by the Honorable Frank W. Hanft, as Chairman of The General Statutes Commission, without compensation and at a personal sacrifice of his own time and effort:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the General Assembly do express its appreciation to the Honorable Frank W. Hanft and commend him for his many fine years of service as Chairman of The General Statutes Commission.

Sec. 2. That the Secretary of State shall transmit a copy of this Resolution to the Honorable Frank W. Hanft.

Sec. 3. That this Resolution shall become effective upon the date of its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. R. 1418 RESOLUTION 72

A JOINT RESOLUTION OF APPRECIATION HONORING WILLIAM EWART EASTERLING FOR THIRTY-FOUR YEARS OF OUTSTANDING SERVICE TO THIS STATE AS SECRETARY OF THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION.

The General Assembly of North Carolina do enact:

WHEREAS, William Ewart Easterling was appointed as the first Secretary of the North Carolina Local Government Commission in November of 1932 when this agency was created; and

WHEREAS, William Ewart Easterling has served continuously in this capacity as administrative head of this agency for more than 34 years; and

WHEREAS, as a result of his astute guidance and wise counseling in debt management North Carolina's local governments enjoy a credit rating unequalled by local units in other states; and

WHEREAS, his untiring efforts over the years in behalf of local government is an exemplary record of dedicated public service to which all North Carolinians can point with pride:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina does hereby express with pride its profound appreciation and commend William Ewart Easterling, Secretary of the North Carolina Local Government Commission, for his 34 years of devoted and outstanding service to the State of North Carolina and its local governments. The General Assembly of North Carolina does further wish for this gentleman many more years of active service for the people of North Carolina.

Sec. 2. This Resolution shall become a part of the public records of the 1967 Session of the General Assembly and a copy shall be duly certified by the Secretary of State and transmitted by him to this distinguished North Carolinian, William Ewart Easterling.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. R. 1420 RESOLUTION 73

A JOINT RESOLUTION PROVIDING FOR THE ELECTION OF GEORGE UZZELL AS AN HONORARY, LIFETIME MEMBER OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, Honorable George Randolph Uzzell has served with ability and distinction as a member of the State House of Representatives in regular sessions of the General Assembly of 1931, 1935 through 1947, 1951 through 1959, and 1963 and 1965 from Rowan County; and

WHEREAS, George Uzzell has rendered outstanding service and leadership to the cause of public education, and has been a tireless supporter of higher education and a friend devoted to the University of North Carolina:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. George Randolph Uzzell is hereby elected a lifetime, honorary member of the Board of Trustees of the University of North Carolina.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. R. 1421 **RESOLUTION 74**

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GRAHAM A. BARDEN, DISTINGUISHED CITIZEN OF THE STATE OF NORTH CAROLINA AND MEMBER OF THE CONGRESS OF THE UNITED STATES.

WHEREAS, the Honorable Graham A. Barden on January 29, 1967, came to the end of a long life of service to the people of the State of North Carolina and the people of the United States of America; and

WHEREAS, the people of this State on that day lost one of the outstanding men who have passed among them, a man of steadfast principle, who constantly held before him the needs of a growing country and sought ever to attain those ends, but never lost sight of the preservation of individual freedom and the right of the people of the states to govern themselves; and

WHEREAS, the Honorable Graham A. Barden began his life in Sampson County, and was reared in Pender County, and from there went to the University of North Carolina, where, after taking time out for service in the Navy in World War I, he played football and also earned the degree of Bachelor of Laws in 1920, and then made New Bern his home. In New Bern he taught school and coached football at New Bern High School, winning the State Championship, practiced law, and became a Judge of County Court. He served in the General Assembly of North Carolina in 1933, where he became recognized as a champion of education, and in 1935 was elected to the Congress of the United States as Representative of the Third Congressional District; and

WHEREAS, his early record as a member of the Congress proved beyond any question his keen interest in education, rural electrification and development, library facilities and other needs; and

WHEREAS, Mr. Barden's distinguished career as a Congressional Committee Chairman began in 1943, when he became Chairman of the House Committee on Education. He served in this capacity until 1947, when that Committee was combined with the Committee on Labor under the Congressional Reorganization Act of 1946, and in 1951 became Chairman of the Committee on Education and Labor; and

WHEREAS, he stood as a bulwark of strength defending the free enterprise system against what he considered unwarranted assaults by the forces of organized labor and strongly influenced passage of Section 14-b of the Taft-Hartley Act, permitting states to pass right-to-work laws, and later helped fight off attempts to repeal this Section of the Act; yet he was an advocate of reasonableness in labor relations, as evidenced by his work in guiding the Landrum-Griffin Bill onto the floor of the House, and its being enacted into law in 1959; and

WHEREAS, in the field of education he was responsible for many progressive Acts, including the George-Barden Act of 1946, providing for federal-state training programs for agriculture and home economics teachers, and the Barden-LaFollette Act, providing for the rehabilitation of the handicapped; but he was a tireless and vigorous fighter against federal financing of education which he felt would surely lead to federal controls over education; and

WHEREAS, in 1960 he retired from the Congress to his beloved New Bern where he lived the remainder of his life in his home overlooking the Trent River; and

WHEREAS, he was a man of jovial and congenial disposition, which early caused him to earn the nickname of "Hap", by which name he was known throughout his life among his closest friends; and

WHEREAS, he was a devoted family man, leaving surviving him his wife, the former Agnes Foy, a son, Dr. Graham A. Barden, Jr., and a daughter, Agnes, who is married to Dr. David Sabiston; and

WHEREAS, he was a member of the Presbyterian Church and a strong participant in the civic activities of his community; and

WHEREAS, he was a man of the highest principles who fought vigorously for the things in which he believed; and

WHEREAS, his most outspoken critics and opponents never questioned his integrity, for which they had the greatest admiration and respect; and

WHEREAS, the people of this State grievously feel the loss of this great man and desire that his life of service be commemorated and permantly recognized in the annals of history of this State:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That in the death of the Honorable Graham A. Barden the State of North Carolina has lost one of its most noteworthy, able, useful, and loyal citizens.

Sec. 2. That the General Assembly of North Carolina do hereby express deep appreciation of him as a citizen and servant of this State and the Nation, and extend sincere sympathy to his family.

Sec. 3. That the Secretary of State shall cause certified copies of this Resolution to be sent to the family of the Honorable Graham A. Barden.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. R. 741 RESOLUTION 75

A JOINT RESOLUTION FIXING THE TIME AND PLACE FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE ELECTION OF TRUSTEES FOR THE GREATER UNIVERSITY OF NORTH CAROLINA AND FOR CONFIRMATION OF APPOINTMENTS MADE DURING THE PAST TWO YEARS TO THE BOARD OF TRUSTEES OF STATE SUPPORTED COLLEGES, THE STATE BOARD OF EDUCATION AND OTHER BOARDS.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Senate and House of Representatives meet in Joint Session on Monday, the 3rd day of July, 1967, at 7:00 p.m. in the House Chamber for the purpose of electing Trustees of the Greater University of North Carolina and for the confirmation of appointments made

during the past two years to the Boards of Trustees of the State Supported Colleges, the State Board of Education and other Boards.

Sec. 2. This Resolution shall be in full force and effect from and after its adoption.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

H. R. 944 RESOLUTION 76

A JOINT RESOLUTION TO ESTABLISH THE LOCAL GOVERNMENT STUDY COMMISSION.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby established the Local Government Study Commission. The Commission shall consist of three Senators appointed by the President of the Senate, six Representatives appointed by the Speaker of the House of Representatives, and six citizens appointed by the Governor. The Chairman of the Commission shall be elected by the members of the Commission from among their number. The Commission may also elect such other officers as it deems necessary.

Sec. 2. The members of the Commission shall be appointed on July 1, 1967, or as soon thereafter as is practicable, and shall serve until the report of the Commission is filed with the Governor.

Sec. 3. It shall be the duty of the Commission to make a thorough study of the governmental structure, powers, public policies, duties, and limitations of counties, cities, towns, and other local governmental units in this State as prescribed by the Constitution and laws of the State, and to make such recommendations for amendments to or revisions of the Constitution and statutes pertaining to local government as the Commission shall find would be most conducive to the maintenance of effective and responsible local government in North Carolina. The Commission may assign portions of its work to such subcommittees as the Commission may in its discretion establish. The Commission shall give particular attention: (1) to a study of methods and procedures to reduce the volume of local legislation requiring the time and attention of the General Assembly: (2) to a study of possible changes in the organization and administration of county government which would realize the full potential of county government as an instrument for providing general purpose, area, and regional, local governmental services: (3) to a study of the impact of urbanization on municipal governments and their capability for furnishing a full range of public services and facilities for the expanding urban areas of this State; and (4) to a study of the purpose, function and role of special districts, multi-unit and regional Boards, Commissions, and other special purpose local government units in relation to the general purpose municipal and county governments. The Commission shall report its findings and recommendations to the Governor and to the General Assembly of 1969 and shall make publication of same not later than January 1, 1969.

Sec. 4. The members of the Commission shall receive while engaged in the service of the State per diem, travel, and subsistence allowances at the rates prescribed in G. S. 138-5. The Commission may employ such

assistance and procure such materials and services as it deems necessary to the performance of its duties. The Commission is authorized to accept and expend the proceeds of any gift, donation, or grant from any person, firm, corporation, foundation or governmental agency. The expenses of the Commission shall be paid from the Contingency and Emergency Fund pursuant to the procedure prescribed in G. S. 143-12 and any other funds available to the Commission. Every agency of State, county, and municipal government shall provide the Commission with such information and assistance as shall be requested by the Commission, as provided under Chapter 120 of the General Statutes of North Carolina.

Sec. 5. This Resolution shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 30th day of June, 1967.

S. R. 700 RESOLUTION 77

A JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF A COMMISSION WHICH SHALL BE CHARGED WITH THE RESPONSIBILITY OF MAKING RECOMMENDATIONS TO THE 1969 GENERAL ASSEMBLY WITH REGARD TO THE IMPROVEMENT OF THE RULES OF CIVIL PROCEDURE.

WHEREAS, the General Assembly has before it Senate Bill 196 and House Bill 401 (duplicate of Senate Bill 196) which provide new Rules of Civil Procedure for North Carolina; and

WHEREAS, it is desirable that these Rules be enacted with an effective date subsequent to the 1969 General Assembly; and

WHEREAS, members of the Legislature, in addition to members of the Bar generally, should study these Rules and make appropriate recommendations for their improvement prior to such effective date:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. Prior to the adjournment of the 1967 Session of the General Assembly, each Committee on the Judiciary in the Senate shall elect from its membership three persons, the chairman of House Judiciary One Committee and the House Judiciary Two Committee shall, with the concurrence of the Speaker of the House, appoint three persons from each of said House Committees, and the twelve persons so selected shall constitute a Commission for the study of the Rules of Civil Procedure. The Commission shall elect a chairman, and shall fill any vacancies which may occur. The members of the Commission shall serve until July 1, 1969.

Sec. 1½. The Commission shall have the authority to appoint not more than two retired or emergency Superior Court Judges to serve as members of the Commission subject to the same terms and provisions as all other members.

Sec. 2. It shall be the responsibility of the Commission to study the Rules of Civil Procedure enacted by the 1967 Session of the General Assembly and to submit to the 1969 General Assembly such recommendations for the improvement of the Rules of Civil Procedure as it finds to be appropriate.

Sec. 3. The Commission shall meet at such times and places as the chairman may designate. The facilities of the State Legislative Building shall be available to the Commission for its work. The members of the Commission shall be paid such per diem, subsistence and travel allowances as are prescribed in the Biennial Appropriations Act for State boards and commissions generally. These expenses shall be paid out of the Contingency and Emergency Fund.

Sec. 4. The General Statutes Commission shall render to the Commission for the study of the Rules of Civil Procedure full cooperation and assistance in making its study and recommendations.

Sec. 5. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

H. R. 1085 **RESOLUTION 78**

A JOINT RESOLUTION CREATING A LEGISLATIVE COMMISSION TO STUDY LIBRARY SUPPORT IN THE STATE OF NORTH CAROLINA PARTICULARLY AS REGARDS THE FINANCING OF PUBLIC LIBRARIES AND TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY OF 1969.

WHEREAS, North Carolina's libraries are at the very heart of its educational system; and

WHEREAS, its public libraries are the only educational institutions in the State to which all citizens have access; and

WHEREAS, the methods employed in financing public libraries have evolved through a variety of patterns so that local support of public libraries is neither uniform nor adequate:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a Legislative Commission to study library support in the State of North Carolina particularly as regards the financing of public libraries. The Commission is to be composed of five members, consisting of two members of the Senate, appointed by the President of the Senate, two members of the House, appointed by the Speaker, and one who shall be appointed by the Governor. The Governor shall also designate one of the members as Chairman.

Sec. 2. It shall be the duty of the Commission to study the pattern of financing public library services in North Carolina and to determine the sources of this support and the limitations placed upon them by the bases of revenue and the legal restrictions on levying taxes for library support. The Commission shall be responsible also for reporting its findings, identifying possible additional sources of public library support, and making recommendations for more equitable and adequate financing of public libraries to the General Assembly of 1969.

Sec. 3. The Commission, with the approval of the Governor, shall be authorized to employ such outside assistance as it feels necessary for its work, and the members of the Commission shall receive per diem, sub-

sistence and travel allowance as other boards and commissions of the State while in performance of their duties. Such expenses shall be paid from the Contingency and Emergency Fund.

Sec. 4. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. R. 632 RESOLUTION 79

A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH COMMISSION TO CONDUCT AN EXTENSIVE STUDY OF THE PROBLEM OF PROVIDING ADEQUATE FIRE AND EXTENDED COVERAGE INSURANCE TO OWNERS OF PROPERTY IN THE COASTAL AREA OF THE STATE OF NORTH CAROLINA.

WHEREAS, the matter of providing a method whereby owners of property in the coastal area of the State of North Carolina has been a problem which the General Assembly has devoted much time and effort to solve; and

WHEREAS, it appears that previous efforts to make coverage available under plans whereby insurance companies would offer adequate fire and extended coverage to owners of property in the coastal area have been unsuccessful; and

WHEREAS, the General Assembly of North Carolina for the 1967 Session has recognized the need for remedial legislation to solve this serious and continuing problem of providing adequate fire and extended coverage to property within the coastal area; and

WHEREAS, it appears that this problem demands and requires extensive study and is a problem which is worthy of further consideration by future Sessions of the General Assembly of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the Legislative Research Commission be, and it is directed to include as a part of its agenda, a complete and comprehensive study of the problems existing with respect to the provision of adequate fire and extended coverage for property located in the coastal areas of the State of North Carolina. To this end, and in furtherance of its duties with respect to its study of the problem, the Legislative Research Commission under proposed legislation shall receive periodically from the North Carolina Commissioner of Insurance reports showing the results of any voluntary or other plan which may be adopted by the insurers in this State or promulgated by the North Carolina Commissioner of Insurance. Likewise, it is to receive as a part of its study other reports from the Insurance Commissioner showing in detail the amount of fire and extended coverage insurance written by the several insurers within the State in each zone within the State, the number of risks insured against fire and extended coverage hazards and the amount of insurance premiums collected by individual insurers within each zone of the State of North Carolina for fire and extended coverage policies written.

The Legislative Research Commission is hereby directed at the completion of its study to compile, prepare and publish for the use of the General Assembly in 1969, a report setting forth its conclusions and recommendations with respect to the problem herein posed. The Commission may, from time to time, call upon the Insurance Commissioner or upon any insurer or the representative of any insurer to furnish it with information pertinent to the scope of its study.

Sec. 2. This Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 3rd day of July, 1967.

S. R. 177 RESOLUTION 80

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY THE FEASIBILITY AND DESIRABILITY OF REORGANIZING THE CONSERVATION AND DEVELOPMENT ACTIVITIES OF STATE GOVERNMENT, AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 1969 GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. There is hereby created a commission to be known as the Conservation and Development Study Commission, to be composed of nine members who shall be appointed as follows: three members shall be appointed by the Governor, three members by the President of the Senate, and three members by the Speaker of the House. Upon its appointment the Commission shall organize by electing from its membership a chairman and vice chairman. Any vacancy shall be filled by the appointing authority who appointed the member causing the vacancy.

Sec. 2. It shall be the duty of the Conservation and Development Study Commission to study the feasibility and desirability of reorganizing the present activities of State Government concerning the conservation and development of resources. Such study may include, but need not be limited to: (a) the feasibility and desirability of dividing the present functions of the Department of Conservation and Development between two departments, one to be concerned with commerce, industry and development, and the other to be concerned with the conservation, management, regulation and use of natural resources; (b) the appropriate scope of functions for a department concerned with the conservation, management, regulation and use of natural resources—including in such inquiry the desirability and feasibility of including such activities as the conservation, management, regulation and use of water resources, fish and game resources, parks, forests, recreational resources, and the environment generally; (c) appropriate provisions for liaison and coordination as between conservation or natural resource agencies and development agencies, and for liaison and coordination of the various conservation or natural resource agencies.

Sec. 3. The Commission shall meet at such times and places as the chairman may designate. The members of the Commission shall be paid such per diem, subsistence and travel allowances as are prescribed for State boards and commissions generally and shall be authorized to employ or secure such clerical and other assistance and services as the Commission

may deem necessary. Expenses incurred by the Commission shall, with the approval of the Governor and Council of State, be paid out of the Contingency and Emergency Fund.

Sec. 4. The Commission shall report its findings and recommendations resulting from this study to the Governor for transmittal to the 1969 General Assembly.

Sec. 5. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 5th day of July, 1967.

H. R. 1026 RESOLUTION 81

A JOINT RESOLUTION CREATING A COMMISSION TO STUDY THE PUBLIC SCHOOL SYSTEM OF NORTH CAROLINA.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. There is hereby created a commission to be known as the Governor's Study Commission on the Public School System of North Carolina. The Commission shall consist of 17 members, 11 of whom shall be appointed by the Governor, four of whom shall be certificated public school personnel, three of whom shall be appointed by the Lieutenant Governor from the membership of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives from the membership of the House. The Governor shall designate one of his appointees as Chairman of the Commission.

Sec. 2. It shall be the duty of the Commission herein created to make a detailed and exhaustive study of the Public School System of North Carolina, to the end that some evaluation of the effectiveness of the public school programs might be achieved. Without limiting the scope of the study, the Commission shall give particular attention to the following areas of public school education:

(1) The financial structure supporting public education within the State, including an analysis of funds derived from State, federal, local and other sources. This shall include a determination of the relative ability and the responsibility of State and local government in meeting the necessary cost for public school education, as well as the impact of federal funds on the public school program.

(2) The length of the school term, with particular reference to the utilization of personnel and facilities during the summer months.

(3) The training, certification, supply and demand for teachers, supervisors and administrators.

(4) The allocation, employment and assignment of professional personnel, the specifications for their positions, the relationships and salary schedules, and the teacher-pupil ratio.

(5) The adequacy of public school sites, buildings, and auxiliary facilities, including purchase and construction costs, and their maintenance.

(6) The procedures for selecting, adopting and distributing textbooks.

(7) The organization of county and city school administrative units, including the feasibility of consolidating schools, merging county and city units, and embracing two or more counties in a single administrative unit.

(8) The public school food service programs.

(9) The value of research carried on in experimental schools and projects.

(10) The relationship between the public school system and the community colleges, technical institutes and industrial education centers, with particular attention being given to the availability of vocational training and proper guidance into vocational career opportunities.

(11) The public school bus transportation system.

(12) The teaching of human values which shall include but not be limited to ethics, morality, patriotism, good character, honesty, integrity, temperance, sobriety and the value of hard work.

(13) The special education of handicapped children.

Sec. 3. In addition to all other duties herein required of said Study Commission it shall be the duty of said Commission to make a detailed and exhaustive study or investigation of the plan or project of the operation of the public schools of the State for a complete year at the time on a quarterly basis. The Commission shall investigate any savings that may be made in public school space and new construction, any savings or relief that may be made to the taxpayers of the State, and the Commission shall study the better utilization of the services of teachers and the convenience of pupils of such a plan of operation of the public schools. The Commission shall also study any other plans or projects in other states, or the work of the study commissions of other states, or the operation of pilot plans or projects which have as their objective the operation of public schools for a complete year on a quarterly basis. The Commission shall also study the pilot project which is now in progress in the State of Georgia and any and all available data and information on the subject of this Resolution.

Sec. 4. Immediately after its appointment, the Commission shall meet at a time and place designated by the Chairman and shall elect a Vice Chairman and Secretary. The Commission shall meet at such other times as the Chairman may designate. The Commission, with the approval of the Governor, is authorized to employ such personnel and other assistance as it may deem necessary to carry out the purposes for which the Commission is created. Per diem, subsistence and travel allowances incurred by the members of the Commission shall be same as is allowed State boards and commissions generally. Expenses incurred in the employment of personnel and other assistance and per diem, subsistence and travel allowances incurred by the members of the Commission shall, with the approval of the Governor and the Council of State, be paid out of the State Contingency and Emergency Fund.

Sec. 5. In making its study, the Commission shall have full access to the records, reports and statistics available in the office of county and city boards of education, the Department of Public Instruction, the State Board of Education, and the personnel in said offices shall cooperate fully with the Commission in such capacity as shall be requested.

Sec. 6. The Commission shall, on or before October 1, 1968, submit its findings and recommendations to the Governor who shall see that the same are transmitted to the 1969 Session of the General Assembly.

Sec. 7. This Resolution shall be in full force and effect upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. R. 698 RESOLUTION 82

A JOINT RESOLUTION RECOGNIZING THE RECREATIONAL AND ECONOMIC IMPORTANCE OF BIRD DOG FIELD TRIALING IN NORTH CAROLINA.

WHEREAS, the State of North Carolina is nationally recognized as Variety Vacationland and possesses an abundance of well-managed natural resources which are of great value and benefit to the people of North Carolina and the Nation; and

WHEREAS, the Sandhills Region of North Carolina is particularly endowed with resources and facilities which afford recreational opportunities for the public's enjoyment of hunting, fishing and bird dog field trialing; and

WHEREAS, the bird dog field trial course and facilities which are located on the Sandhills Wildlife Management Area near Hoffman, North Carolina, have been nationally recognized, as witnessed by the successful running of U. S. Quail Futurity in February 1967:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the North Carolina General Assembly, in Session June 1967, does hereby recognize the importance and values, both recreational and economic, of the sport of bird dog field trialing to the people of North Carolina and the Nation.

Sec. 2. That the North Carolina Wildlife Resources Commission be commended for its efforts and accomplishments in providing the resources and facilities of the Sandhills field trial course for public benefit, and that the Commission is urged to continue its program to improve this facility to the end that its excellence will attract such national field trial events as the United States Open.

Sec. 3. That this Resolution shall be effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. R. 726 RESOLUTION 83

A JOINT RESOLUTION DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CERTAIN WATER RESOURCES LAWS, AND TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE 1969 GENERAL ASSEMBLY.

Be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is hereby directed to study:

(a) the water resources legislation proposed and enacted by the 1967 General Assembly, the experience in applying such legislation, and the need for further legislation in light of such experience;

(b) the need for recodification of any water resources legislation enacted by the 1967 General Assembly and of other water resources legislation; and

(c) the need for legislation providing for a special master or hearing officer procedure for proceedings preliminary to orders and determinations of the State Board of Water and Air Resources.

Sec. 2. The Legislative Research Commission shall report its findings and any recommendations resulting from this study to the 1969 General Assembly.

Sec. 3. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. R. 1411 **RESOLUTION 84**

A JOINT RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO PROVIDE FOR IMPROVEMENTS OF LEGISLATIVE LIBRARY.

WHEREAS, the Legislative Library located in the Legislative Building contains copies of House and Senate Journals from 1850 through 1905 that are in bad state of repair and need rebinding; and

WHEREAS, said Library contains more than one copy of said journals for many Sessions of the General Assembly held between 1850 and 1905; and

WHEREAS, the State Library has agreed to provide for the rebinding of said journals and pay for the same from its budget on condition that only one copy of each House and Senate Journal for said period be returned to the Legislative Library, and that all additional copies be retained by the State Library:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. That the President of the Senate and the Speaker of the House be, and they are hereby, authorized to enter into an agreement with the State Library, providing for the rebinding of said journals as aforesaid, with one copy of said rebound journals to be returned to the Legislative Library and all additional copies to be retained by the State Library.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. R. 1426 **RESOLUTION 85**

A JOINT RESOLUTION RELATING TO COMPUTER SERVICES FOR LEGISLATIVE REPORTING FOR THE 1969 GENERAL ASSEMBLY.

WHEREAS, the Legislative Reporting Service of the Institute of Government has been supplemented during the 1967 General Assembly by experimental computer services supplied by Central Data Processing of the Department of Administration; and

WHEREAS, these experimental computer services have met with a favorable response from users of the services, which has suggested the desirability of continuing and strengthening such services in future legislative sessions; and

WHEREAS, the Director of the Department of Administration and the head of the Legislative Reporting Service have informed the President of the Senate and the Speaker of the House of plans for computer services in connection with the 1969 General Assembly; and

WHEREAS, these plans include the installation of typewriter terminals in the Institute of Government office in the Legislative Building for production of daily legislative bulletins in the interest of more effective data control, and the installation of typewriter terminals in the Legislative Library and other convenient locations for inquiry purposes; and

WHEREAS, the cost of these services in the 1969 General Assembly is estimated at not to exceed thirty thousand dollars ($30,000.00) and it is recommended by the Department of Administration that these expenses be included in the Legislative Budget without advance budgeting:

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. It is the sense of the General Assembly that the aforesaid computer services projected for the 1969 General Assembly should be undertaken and that the expense of such additional services, not to exceed thirty thousand dollars ($30,000.00), be included in the Legislative Budget without advance budgeting.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

S. R. 731 **RESOLUTION 86**

A RESOLUTION TO FURTHER THE INTERNATIONAL INTERESTS OF THE PEOPLE OF NORTH CAROLINA THROUGH EDUCATION.

WHEREAS, recognizing the progressive concern and involvement of North Carolina by reason of its geography, its economy, and its culture with the nations of the world and particularly those of the Atlantic community; and

WHEREAS, acknowledging the responsibility of the Government of North Carolina to assist in advancing the civic, the material, and the cultural well being of all of North Carolina:

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the General Assembly request the Governor of North Carolina to explore means and methods for formulating a positive program to increase the knowledge and understanding of international relationships so that the people of the State may (a) better perform their civic obligations; (b) exploit more profitably the challenging opportunities to engage in the rapidly increasing trade among nations; and (c) have more meaningful communication with the people of other lands for our benefits and theirs.

Sec. 2. This Resolution shall become effective upon its adoption.

In the General Assembly read three times and ratified, this the 6th day of July, 1967.

H. R. 1432 RESOLUTION 87

A JOINT RESOLUTION BY THE GENERAL ASSEMBLY OF NORTH CAROLINA PROVIDING FOR ADJOURNMENT ON THURSDAY, JULY 6, 1967.

Be it resolved by the House of Representatives, the Senate concurring:

Section 1. That both the Senate and the House of Representatives constituting the General Assembly of 1967, do adjourn sine die on Thursday, July 6, 1967 at 4:00 p.m.

Sec. 2. That this Resolution shall be in full force and effect upon its adoption.

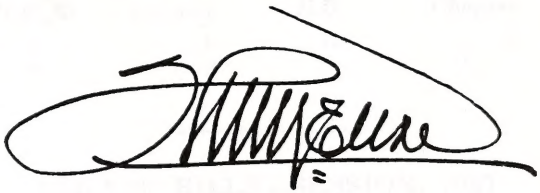
In the General Assembly read three times and ratified, this the 6th day of July, 1967.

STATE OF NORTH CAROLINA,

DEPARTMENT OF STATE,

RALEIGH, JULY 8, 1967

I, THAD EURE, Secretary of State of North Carolina hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.



Secretary of State.

NUMERICAL INDEX TO SENATE AND HOUSE BILLS— 1965 AND 1966 EXTRA SESSIONS AND 1967 REGULAR SESSION

SENATE BILL—EXTRA SESSION, 1965

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1801, Private, Chapter 90, repealed 531

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